

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11823 of 2025

Arising Out of PS. Case No.-2051 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

Moinul Hoda, S/o Ashraful Hoda, House No. A/64, Road No. B/5, Alinagar Colony, Ward No. 10, Anisabad, P.S.-Gardanibagh, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Farha Rahim, W/o Moinul Hoda, D/o Late Dr. M.M. Rahim, R/o Mohalla-Galaxi House Iqbal Hassan Road, Mehdi Hasan Chauk, P.S-Brahmpura, Distt.- Muzaffarpur.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Nafisu Zzoha, Advocate Mr. Bal Govind Sharma, Advocate Mrs. Rabia Gulnaz, Advocate Mr. Somesh Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP
For the O.P. No.2	:	Mr. Manjeet Kumar Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 20-06-2025

Heard learned counsel appearing for the petitioner
and learned counsel appearing for O.P. No.2.

2. The present application has been filed by the petitioner for quashing/setting aside the entire proceeding of Muzaffarpur Complaint Case No.2051 of 2018 whereby the learned jurisdictional Magistrate has taken cognizance on 25.10.2018 against the petitioner and others under Section 498-A of the Indian Penal Code (in short 'IPC').

3. It is submitted by learned counsel appearing for the petitioner that the matter has now compromised between



the parties against the permanent alimony of Rs. 22 Lakhs, which was paid to O.P. No.2, namely, Farha Rahim. The aforesaid payment was made to O.P. No.2 by the petitioner today itself in presence of her lawyer namely, Manjeet Kumar Mishra through four different demand drafts each value of Rs.5 lakhs drawn at ICICI Bank, Muzaffarpur bearing Nos.505742, 505743,505744 and 505745 dated 19.06.2025 and remaining amount of Rs. 2 Lakhs was paid in cash to O.P. No.2.

4. Both parties are in person.

5. The O.P. No.2 affirms receiving of the aforesaid amount through demand drafts and in cash.

6. It is jointly submitted by the parties that their marriage had already dissolved as per their personal law in the year 2018 itself. Beside above, it also transpires from their joint affidavit dated 19.06.2025 that Syed Abdullah Ashraf, who is son of the parties will remain in custody of petitioner and in view of same a Guardianship Case No.11 of 2021 will now no more pursuing by O.P. No.2. It also transpires that O.P. No.2 filed a Maintenance Case No.308 of



2022 for maintenance against petitioner, whereas the petitioner filed a police case against O.P. No.2, bearing Gardanibagh P.S. Case No.303 of 2018 dated 26.07.2018 for the offence under Section 341, 323, 379 and 504 read with 34 of the IPC.

7. For the sake of better understanding of compromise arrived between the parties, it would be apposite to reproduce the contents of joint affidavit dated 19.06.2025 duly signed by the parties, which is as under:-

“1. That, we are the petitioner the complainant (O.P. No.2) agreed to compromise the case before this Hon’ble court on the basis of permanent alimony after a long discussion on every point of settlement of permanent alimony.

2. That, both the parties are agreed on permanent alimony of Rs.22 Lakh as one time settlement for compromising all the litigation pending in between them.

3. That, the petitioner is paying Rs.20 lakh through four demand draft bearing its no. 505745, 505743, 505744, 505742, and the rest rupees 2 lakh has already been given her in cash mode on her demand and she accepted the same.

4. That, the complainant is ready to settled all the dispute after taking the amount of permanent alimony of Rs.22 lakh with the petitioner.

5. That, the petitioner has already been



pronounced Talaq (divorce) to the complainant in the year 2018 as per Mohammad law and the same is accepted by the complainant.

6. That, the complainant has also engaged with another persons and her marriage is going to be taken place.

7. That, out of the wedlock of both parties a son namely, Syed Abdullah Ashraf aged 15 years was born and he is living with the father (petitioner) with consent of the complainant (Mother).

8. That, we are agreed to withdraw and compromise all the cases pending in between each other as follows:-

i. Gardanibagh P.S. Case No.303/2018 dated 26.7.2018 u/s 341, 323, 379 and 504 read with 34 IPC filed by the petitioner against complainant.

ii. Guardianship Case No.11 of 2021 filed by the complainant.

iii. Maintenance Case No.308 of 2022 filed by the complainant.

9. That, the complainant and the petitioner will remain present before this Hon'ble court and they are ready to support the verdict of the compromise before the court.

10. That, the contents of the supplementary affidavit read over us and explain before us in Hindi which I understood the same.

11. That the content of the supplementary affidavit are true to my knowledge.”

8. In view of aforesaid, as parties have resolved



their disputes and differences, let **Maintenance Case No. 308 of 2022** as filed under Section 125 of the CrPC by O.P. No.2 against petitioner (husband), which is pending before learned Principal Judge, Family Court, Muzaffarpur and also **Gardanibagh P.S. Case No.303 of 2018** dated 26.07.2018, which was filed by the petitioner against O.P. No.2 including **Muzaffarpur Complaint Case No.2051 of 2018** dated 30.07.2018 *qua* petitioner are hereby quashed/set aside to secure the end of justice, as continuing of all such proceedings in the event of amicable settlement would only amount to abuse of the process of court of law.

9. Accordingly, the present quashing petition stands allowed. Pending application, if any, stands disposed of.

10. Let a copy of this order be sent to all concerned court as discussed aforesaid for immediate compliance.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	25.06.2025

