

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20174 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Sitamarhi

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KUNDAN GUPTA @ KUNDAN KUMAR GUPTA SON OF RAGHUNATH GUPTA R/O-BHARURA BHIMPUR, 49 ATRI, P.S.-RUNNISAIDPUR-SITAMARHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. APARNA @ RINKI KUMARI WIFE OF KUNDAN KUMAR GUPTA D/O-SRI RADHA KRISHNA PRASAD, AT PRESENT R/O-MIRCHAI PATTI, RAMA DRESSES, JANKIASTHAN MAIN ROAD, SITAMARHI, P.S. AND DISTT.-SITAMARHI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv
	:	Mr. Santosh Kr. Pandey, Adv
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the O.P. No. 2	:	Mr. Mani Shankar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 23-06-2025

Heard learned counsel appearing on behalf of the parties.

2. The present application has been preferred by the petitioner for quashing of order dated 16.02.2024 as passed by learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with D.V. Case No. 07 of 2019.

3. The case of the prosecution, in brief, is that informant/O.P. No. 2 married petitioner in the year 2015 but



from the date of marriage, informant is residing separately from her husband and after some days informant along with her brothers and some unknown anti-social elements came at the house of the petitioner, where they misbehaved and assaulted the parents of the husband and also took away valuable items and also started demanding to transfer the house in her name, where father-in-law of the petitioner instituted Sitamarhi P.S. Case No. 270 of 2019 under Sections 341, 342, 323, 448, 380, 506 and 308/34 of the I.P.C. against informant and aforesaid persons.

4. It is submitted by learned counsel appearing on behalf of the petitioner that marriage between the parties now stands dissolved under their mutual consent in terms of compromise dated 04.06.2024 as passed in Maintenance Case No. 81 of 2019 by learned Principal Judge, Family Court, Sitamarhi. It is submitted that O.P. No. 2 also received permanent alimony of Rs. 26 lakhs and such parties dissolved their disputes and differences and, therefore, continuing with the present court proceedings before learned Trial Court would only amount to abuse the process of law and,



therefore, same is fit to be quashed and set-aside.

5. The factum of compromise as submitted aforesaid is also affirmed by learned counsel appearing for O.P. No. 2.

6. Parties are also present in person and they affirmed the aforesaid submission as advanced by their learned counsels.

7. It would apposite to reproduce the joint compromise petition as preferred on behalf of the parties, which is as under :-

(1). That it is agreed between both the parties that they will settled all the disputes arose between them by this Joint Compromise petition.

(2). That the petitioner prepare D.D. No. 536530 dated 02.04.2025 of Rs. 26,00,000/- (Rs. Twenty Six lakhs) in the name of opposite party no. 2 as a permanent alimony in compliance of the order of the Hon'ble Court. The opposite party no. 2 after taking the amount have no claim of money against petitioner in future.

(3). That both the parties will file a



mutual consent divorce case before the Principal Judge, Family Court, Sitamarhi within a week after receiving the permanent alimony and both the parties undertake that they will co-operate each other for taking mutual consent divorce and if any party delay the matter then the same will be subject to legal action.

(4). That the petitioner has filed following case against opposite party no. 2:-

(i) Divorce Case No. 61/2019 pending before Learned Principal Judge, Family Court, Sitamarhi.

(ii) Session Trial No. 372 of 2022 arising out of Sitamarhi P.S.Case No. 270/2019.

The petitioner undertakes that either he withdraw the Divorce Case No. 61 of 2019 or take steps to convert it into mutual consent divorce case. The petitioner will withdraw the Session Trial No. 372 of 2022 arising out of Sitamarhi P.S. Case No. 270/2019 within a fortnight.

(5). That the opposite party no. 2 has filed following cases against petitioner and his family members:-



(i) Session Trial No. 578/2022 arising out of Sitamarhi Mahila P.S. Case No. 20/2019 pending before Learned District Judge, Sitamarhi.

(ii) Maintenance Case No. 81/2019 pending before the learned Principal Judge, Family Court, Sitamarhi.

(iii) D.V. Case No. 07/2019 pending before the learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi. The opposite party No. 2 undertake that she will withdraw above mentioned all the three case filed against the petitioner and his family members with in a fortnight.

(6). That both the parties undertakes that they have no grievance against each other after this compromise and they will not file cases against each other and live separately and peacefully.

(7). That both parties undertake that they will help each other for taking mutual consent divorce from the learned court without any delay.

(8). That the present compromise petition



signed by both parties in sound mind
without any pressure or threat.

8. It appears that petitioner lodged a case as Sitamarhi P.S. Case No. 270 of 2019 against O.P. No. 2 for which Sessions Trial No. 372 of 2022 is pending before the Sessions Court, whereas O.P. No. 2 also lodged a Mahila P.S. Case No. 20 of 2019 against petitioner which is pending as Sessions Trial No. 578 of 2022 besides Maintenance Case No. 81 of 2019 pending before learned Principal Judge, Family Court, Sitamarhi and D.V. Case No. 07 of 2019 pending before the learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi.

9. In view of the compromise as discussed aforesaid as parties resolved their differences, where their marriage was dissolved by way of divorce and further O.P. No. 2 received permanent alimony of Rs. 26 Lakhs, continuing with present criminal proceedings would only amount to the abuse the process of court of law. Therefore the Sitamarhi P.S. Case No. 270 of 2019 as lodged by petitioner against O.P. No. 2 along with Mahila P.S. Case No. 20 of 2019 lodged by O.P.



No. 2 against petitioner along with Maintenance Case No. 81 of 2019 pending before the learned Principal Judge, Family Court, Sitamarhi and also D.V. Case No. 07 of 2019 pending before learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi are hereby quashed and set-aside to secure the ends of justice.

10. Accordingly, present quashing petition stands allowed.

11. Let a copy of this judgment be sent to the learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2025
Transmission Date	24.06.2025

