

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33748 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- KHAGAUL District- Patna

MD. NAUSHAD S/O LATE ASLAM RESIDENT OF BADI KHAGAUL,
PHATAK PER, POLICE STATION-KHAGAUL, DISTRICT PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NIKHAT ARA W/O MD. NAUSHAD, D/O AMIRULLAH GARDANIBAGH, ROAD NO.10, NEAR IMAMBARA, DAMRIA, POLICE STATION-GARDANIBAGH, DISTRICT-PATNA.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41968 of 2023

Arising Out of PS. Case No.-117 Year-2020 Thana- KHAGAUL District- Patna

1. Md. Naushad Son of Late Md. Ashlam Resident of Big Khagaul Gate, PS. Khagaul District- Patna
2. Sabra Khatoon Wife of Late Md.Ashlam Resident of Big Khagaul Gate, PS.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nikhat Ara Wife of Md. Naushad, Daughter of Amirullah Resident of Mohalla Gardanibagh road No. 10 (Near Imambada), Damriya PS. Gardanibagh, District- Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33748 of 2021)

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Ram Sevak Choudhary

(In CRIMINAL MISCELLANEOUS No. 41968 of 2023)

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

12 25-07-2025

Both these applications are arising out of the same

P.S. Case i.e., Khagaul P.S. Case No. 117 of 2020. Hence, they



are being heard together and are being decided by a common order.

2. Heard the learned counsel for the petitioner and the learned counsel for the State.

3. Cr. Misc. No. 33748 of 2021 has been filed for quashing of part of order dated 12.11.2020 passed by the learned Additional Sessions Judge-I, Danapur, Patna in B.P. No. 725 of 2020 arising out of Khagaul P.S. Case No. 117 of 2020 registered under Sections 323, 307, 341, 498A, 504/34 of the Indian Penal Code and under Sections 3/4 of the DP Act.

4. Cr. Misc. No. 41968 of 2023 has been filed for quashing of the entire prosecution of Khagaul P.S. Case No. 117 of 2020 as well as order of cognizance dated 24.07.2021 passed by the learned A.C.J.M. 5th Danapur.

5. The brief facts of the case are that the marriage of the petitioner was solemnized with the Opposite Party No.2 as per Muslim Rites and Customs on 1.3.2014 at Haroon Nagar Community Hall. After marriage, Opposite Party No.2 went to her matrimonial house along with the petitioner and stayed there for one week and returned to her parent house. Thereafter, the petitioner brought her to his house and started living with her but the Opposite Party did not stay with her husband and



without information left matrimonial house and misbehaved with her in-laws and on 15.7.2016, she left her matrimonial house and went to her parent house along with ornaments, clothes etc.

6. The Demand draft of the balance amount of Rs. 1,80,000/- (One Lakh Eighty Thousand) has been handed over to the O.P. No. 2, who is personally present in the court.

7. The learned counsels for both the parties have submitted that the dispute between the parties have been settled.

8. The learned counsel for the petitioner submits that in view of the settlement between the parties, all the cases pending between the parties be quashed.

9. The learned counsel for the O.P. No. 02 has no objection to the quashing of all the cases pending between the parties.

10. In view of the settlement between the parties, both these applications are allowed.

11. Accordingly, the entire prosecution of Khagaul P.S. Case No. 117 of 2020, the order of cognizance dated 24.07.2021 passed by the learned A.C.J.M. 5th Danapur, the order dated 12.11.2020 passed by the learned Additional Sessions Judge-I, Danapur, Patna in B.P. No. 725 of 2020



arising out of Khagaul P.S. Case No. 117 of 2020, Complaint Case No. 97 of 2017, D.V. Case No. 75 of 2018, Maintenance Case No. 332(M) of 2018 and any other cases, which are pending between the parties, are hereby quashed.

12. Both the parties will take steps for divorce as per Muslim Law.

13. Pending application/s, if any, shall also stand disposed of.

Shishir/-

(Sandeep Kumar, J)

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