

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20148 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- CHANDAUTI District- Gaya

Zubair Khan, S/o Md. Ismail Khan @ Haji Ismail Khan, Resident of Mohalla-
Aliganj, Road No. 8, P.S.- Chandauti, Distt.- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Shagufta Jamal, W/o Zubair Khan, D/o Late Md. Jamaluddin Khan, R/o
village - Itara, P.S.- Magadh University, Distt.- Gaya

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Advocate Ms. Rabia Gulnaz, Advocate
For the State	:	Mr. Surendra Kumar, APP
For the O.P. No.2	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 15-05-2025

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

2. The present application has been filed by the
petitioner for quashing of the order dated 12.02.2025 as
passed by the learned Chief Judicial Magistrate, Gaya in
Chandauti P.S. Case No.404 of 2024 whereby the learned
Jurisdictional Magistrate has taken cognizance for the
offences punishable under Sections 190, 191(2), 115(2),
126(2), 127(2), 127(4), 85, 74, 75, 109, 351(2) of the
Bhartiya Nyay Sanhita (in short 'B.N.S.') as well as Sections 3



and 4 of the Dowry Prohibition Act and issued process under Section 82 of the Code of Criminal Procedure against the petitioner and others.

3. That the prosecution case in brief speaks from written information of one Shagufta Jamal dated 25.10.2024 that she was married with petitioner on 14.5.2024 as per Muslim rites and rituals. The informant further alleged that after *bidagri*, accused person kept her properly for sometime, but thereafter, the petitioner made a demand of Rs. 10 lakh for the purpose of business. When she shown her inability to pay, the petitioner used to misbehave and assault her. It is further alleged that on 15.7.2024 at 4.00 o'clock, the petitioner, along with other co-accused persons allegedly made an attempt to strangle her with her *dupatta*. However, when she raised an alarm, people gathered there and saved her. While on the way to the police station, the accused persons pleaded for forgiveness, what she deed but even after sometime, the petitioner allegedly returned home in a drunken condition and assaulted her by locking her inside the bathroom for two hours and again demanded Rs. 10 lakh



from her mother. It is further alleged that the petitioner used to make relations with her forcibly. She further alleged that on 09.10.2024, the petitioner and in-laws ousted her out from matrimonial home and snatched her jewellery and took the keys of boxes and almirah. She further alleged that elder brother of her husband, who were living abroad, used to call her in-laws and provoked them against her and also used to ask for the dowry from the informant. They have also called through the informant's sister mobile. The brother and sister of informant had paid Rs. 2,40,000/- to the petitioner after the marriage respectively on 23.05.2024 & 19.04.2024.

4. On the basis of aforesaid written report of the informant, Chandauti P.S. Case No.404 of 2024 was registered under Sections 190, 191(2), 115(2), 126(2), 127(2), 127(4), 85, 74, 75, 109, 351(2) of the Bhartiya Nyay Sanhita (in short 'B.N.S.') as well as Sections 3 and 4 of the Dowry Prohibition Act.

5. It is submitted by learned counsel for the petitioner that petitioner has already paid Rs. 5,00,000/- (Rupees Five Lakhs) to O.P. No.2 by way of Bank Draft drawn



in her favour on 01.05.2025 in presence of her lawyer appeared before this Court. It is further submitted that the remaining amount of Rs. 5,00,000/- (Rupees Five Lakhs) paid today to O.P. No.2 through Bank Draft bearing No.022312 dated 12.05.2025 drawn on HDFC Bank, Gaya in favour of O.P. No.2, namely, Shagufta Jamal. The aforesaid demand draft was duly received by O.P. No.2 in presence of her lawyer before this Court.

6. In view of aforesaid, the total agreed amount of Rs.10 Lakhs (Rupees Ten Lakhs) has now paid to O.P. No.2 by the petitioner. It is also pointed out by the parties that they proceeded for their divorce as per their personal law i.e. “Khulla”, which is likely to be complete within a week.

7. It is also submitted jointly that in view of compromise, they have no objection if the court quash the criminal cases pending against each other to secure the ends of justice.

8. It would be apposite to reproduce para-5 to 9 of the joint affidavit dated 06.05.2025 filed on behalf of the petitioner and O.P. No.2, which is as under:-



“5. That both the parties, the petitioner and Opposite Party No.2 mutually agreed to dissolve their marriage in accordance with their personal law i.e. by way of Khula.

6. That is agreed between the parties that the petitioner (husband) shall pay a total amount of Rs.10,00,000/- (Rupees Ten Lakhs only) to the O.P. No.2 (wife) in the form of one-time settlement amount (alimony) and in future, the O.P. No.2 (Wife) shall not be able to claim any other right of whatsoever nature from the petitioner (Husband).

7. That the petitioner and Opposite Party No.2 mutually and jointly decided the quantum of maintenance as one-time payment/settlement of Rs.10,00,000/- (Ten Lakh).

8. That the petitioner has already Rs.5,00,000/- (Rupees Five Lakh) to O.P. No.2 by way of Bank Draft drawn in her favour on 01.05.2025 before the Hon'ble Court and remaining amount of Rs.5,00,000/- (five lakh) of onetime settlement amount, will be paid within next 30 days from the date of first payment as per the order dated 15.04.2025 passed by the Hon'ble court in this case.

9. That after payment of remaining amount of Rs.5,00,000/- (five lakh) of onetime settlement amount by the petitioner to O.P. No.2, both the parties undertake to withdraw all the complaints/cases filed against each other or against their family members before any court or forum including cases mentioned above in para-3 of this affidavit. The parties also undertake not to make any further complaint against each other arising from the same



cause of action and both the parties also dissolved their marriage in accordance with their personal laws.”

9. In view of the aforesaid, as parties settled their dispute amicably, it appears that continuing with criminal proceedings between the parties would be only abusing the process of court of the law and, therefore, the present cognizance order dated 12.02.2025 as passed by the learned Chief Judicial Magistrate, Gaya in **Chandauti P.S. Case No.404 of 2024** and also proceedings of **Complaint Case No.1633 of 2024** filed by the petitioner against O.P. No.2 and her family members and **Matrimonial Case (MTS) No.411 of 2024** pending before the court of learned Principal Judge, Family Court, Gaya, stand quashed/set aside by exercising powers under Section 482 of the Cr.P.C. to secure the ends of justice.

10. The application stands allowed. Pending application, if any, also stands disposed of in view of this judgment.

11. Let a copy of this order be sent to the all concerned courts at Gaya, where above-discussed cases are



pending, for its compliance.

Sanjeet/-

(Chandra Shekhar Jha, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-05-2025
Transmission Date	17-05-2025

