

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21081 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

M. Jeshan S/O Md. Jamil Uddin R/O Ward No. 21, Shah Zubair Road,
Dilawarpur, P.S- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayesha Sharifur Rehman Tarannum D/O Sharifur Rehman Tarannum R/O
Village and P.O- Thahar, P.S- Runni Saidpur, Distt.- Sitamarhi.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28171 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

1. Tabassum Ara Wife of Md. Jamil Uddin
2. Shaeem Akhter @ Tipu Son of Nasim Akhter,
Both resident of Ward No.21, Shah Zubair Road, Dilawarpur, P.S. - Kotwali,
District – Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayesha Sharifur Rehman Daughter of Sharifur Rehman Tarannum Resident
of Village and P.O. - Thahar, P.S. - Runni Saidpur, District - Sitamarhi

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21081 of 2024)

For the Petitioner/s : Mr.Alok Choudhary, Advocate

For OP No.2 : Mr.S.M.Hoda, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 28171 of 2024)

For the Petitioner/s : Mr.Alok Choudhary, Advocate

For OP No.2 : Mr.S.M.Hoda, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-12-2025

Heard learned counsel appearing on behalf of the



petitioners; learned counsel for OP No.2 and the learned APP for the State.

2. Both the quashing applications (Cr. Misc. Nos.21081 of 2024 and 28171 of 2024) have been preferred under Section 482 of Cr.P.C. for quashing of FIR being Runni Saidpur P.S.Case No.438 of 2023 dated 22.08.2023, registered for the offences under Sections 341, 323, 498(A)/34 of IPC and Sections 3/4 of Dowry Prohibition Act.

3. The prosecution story in short is that O.P.No.2 got married with M.Jeshan (petitioner of Cr. Misc. No.21081 of 2024) as per the muslim customs, on which occasion, her father spent a lump sum of Rs.25,80,000/-, but after two months of her marriage, petitioners including other co-accused persons started demanding golden chain, golden bracelet and a car and due to non-fulfilment of their demand, they started assaulting her and tried to burn her. She has also lost her job.

4. At the very outset, Ms. Priyanka Kumari, learned counsel appearing on behalf of the petitioners and Mr. M.S.Hoda, learned counsel for OP No.2 jointly inform that the parties have mutually decided to dissolve their marriage and for the same, they have filed a joint compromise petition before the learned Principal Judge, Family Court, Munger on



28.07.2025.

5. Learned counsel for the petitioners submitted that the petitioner/M.Jeshan, who is the husband of OP No.2, has filed T.S. (Divorce) Case No.279 of 2023 before the learned Principal Judge, Family Court, Munger for grant of divorce since the parties have reached into amicable settlement and they have agreed for full and final settlement. The petitioners have relied on the law laid down by the Apex Court in the case of **Kahkashan Kausar @ Sonam & Ors.- Vs. State of Bihar & Ors_**reported in **(2022) 0 Supreme (SC) 117**. Learned counsel, in this view, submitted that no case is made out against the petitioners and the entire criminal proceeding in connection with Runni Saidpur P.S.Case No.438 of 2023 is fit to be set aside and quashed, in light of the law laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**; **Gian Singh v. State of Punjab**, reported in **(2012) 10 SCC 303**; **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.**, reported in **(2013) 4 SCC 58** and **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in **(2014) 9 SCC 653**.

6. In view of the application jointly filed by the petitioner (M.Jeshan) and O.P. No.2 before the learned



Principal Judge,Munger on 28.07.2025, for mutual dissolution of their marriage on certain terms and conditions, I find that in light of the law laid down by the Apex Court, as discussed hereinabove, continuation of the criminal proceeding against the petitioners will be abuse of process of law.

7. Accordingly, the FIR being Runni Saidpur P.S.Case No.438 of 2023 is hereby set quashed and set aside.

8. The quashing application stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08 .12.2025
Transmission Date	08 .12.2025

