

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24454 of 2024

Arising Out of PS. Case No.-200 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Amar Agrawal @ Amar Kumar Agarwal son of Late Kishan Lal Agrawal Village- Surya Vihar Apartment Flat No-502, Exhibition Road Ps- Gandhi Maidan Dist- Patna
 2. Vivek Jagnani son of Late Pravin Jagnani Village- City Centre Apt. Near Punjab National Bank Ps- Patna City Dist- Patna
 3. Meena Jagnani wife of Late Pravin Jagnani Village- Shri Narayani Collection New Sadak Chowk Near Marwari School Ps- Patna City, Dist- Patna
 4. Pooja Agrawal wife of Rahul Agrawal, D/o- Late Pravin Jagnani Village- Cloth Corner Boring Road Ps- Patna City Dist- Patna
 5. Rahul Agrawal @ Rahul Agrawal son of Shri Prakash Chandra Agrawal Village- Cloth Corner Boring Road Ps- Patna City Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari wife of Vipul Jagnani, D/o- Sursh Sarraf Village- Shri Narayani Collection New Sadak Chowk Near Marwari School Ps- Patna City Dist- Patna P/A- Gulzarbagh W.No-20, Madhepura Ps- Madhepura Dist- madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, APP
For the O.P. No.2	:	Ms. Deepika Sharma, Advocate Mr. Rajat Kr. Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 09-09-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel

along with Mr. Kumar Rajdeep and Ms. Diksha Kumari, learned

counsels appearing on behalf of the petitioners; Mr. Md.

Fahimuddin, learned APP for the State and Ms. Deepika

Sharma, along with Mr. Rajat Kr. Tiwari, learned counsels

appearing on behalf of the O.P. No.2.



2. The present application has been filed for quashing the order dated 18.07.2022 passed by the learned Sub-Divisional Judicial Magistrate, Madhepura in Complaint Case no.200 of 2022, by which cognizance of the offences has been taken under Sections 323, 341, 498(a), 504/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. At the outset, it is informed by the learned counsels appearing on behalf of the respective parties that an application under Section 13B of the Hindu Marriage Act, 1955 has jointly been filed by the O.P. No.2 namely Shalini Kumari and her husband namely Vipul Jagnani before the Principal Judge, Madhepura on 09.06.2025 for mutual dissolution of their marriage on certain terms and conditions and the same has been disposed of *vide* order dated 02.09.2025. Learned counsel, in this view, submitted that no case is made out against the petitioners and the entire criminal proceeding in connection with Complaint Case no.200 of 2022 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.**

4. In view of the application jointly filed under Section 13B of the Hindu Marriage Act, 1955 by the O.P. No.2 namely Shalini Kumari and her husband namely Vipul Jagnani before the learned Principal Judge, Madhepura on 09.06.2025, for mutual dissolution of their marriage on certain terms and conditions and the same having been disposed of *vide* order dated 02.09.2025, 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.

5. Accordingly, entire proceeding in connection with Complaint Case no.200 of 2022 and also the cognizance order dated 18.07.2022 passed by the learned Sub-Divisional Judicial Magistrate, Madhepura are set **aside and quashed.**

6. The quashing application stands disposed of.

7. Interlocutory application(s), if any, also stands disposed of.

(Purnendu Singh, J)

Sanjay/-
Ashishsingh/-

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