

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32042 of 2025

Arising Out of PS. Case No.-704 Year-2016 Thana- KANKARBAG District- Patna

Kunal Sharan Son of Sri Anil Kumar Sharan Resident of Flat No. D-53,
CFTRI Residential complex, Kalidasa Road, Jayalakshmipuram, Mysuru,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nidhi sinha Daughter of Sri Rameshwar Prasad Resident of Qr. No. -A/21, Kankarbagh Housing Colony, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Sinha

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 12-05-2025

1. Heard learned counsel appearing on behalf of the parties.

2. Present petition is being filed by the petitioner for quashing the order taking cognizance dated 03.01.2018 passed by the learned SDJM, Patna in Kankarbagh P.S. Case No. 704 of 2016 under Section 498A of the IPC (Section 85 of the BNS) and 3 & 4 of the D.P. Act in pursuance of an order dated 11.11.2024 passed by the Hon'ble High Court of Karnataka, Bengaluru in Misc. First Appeal No. 7739 of 2019, by which the case has been disposed of in terms of Memorandum of settlement with certain directions.



3. Without going into the details of the case, it would be suffice to state here that the learned counsel appearing for the petitioner and the opposite party no. 2 have appear before the Karnataka Mediation Center, Bengaluru and finalized the terms of compromise. Accordingly, parties appeared and disputes were resolved and compromise was arrived at, for which a settlement deed was prepared and signed by both the parties and their respective advocate against one time full and final settlement amount of Rs. 21,00,000/- (Rupees Twenty One Lakh) therefore in view of aforesaid fact, continuing of the present proceedings before court below would only amount to abuse of the process of the Court of law and, therefore, same be quashed/set aside. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Abhishek vs. State of Madhya Pradesh*** as reported in ***2023 SCC OnLine SC 1083***.

4. It would be relevant to reproduce **point no. "3"** of M.C. No. 92 of 2017 dated 27.05.2019 at Karnataka Mediation Center, Bengaluru :-



“The respondent/husband has agreed to pay a total sum of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) to the respondent as detailed hereunder.

a) Rs.8,00,000/- (Rupees Eight Lakhs Only) by way of RTGS/DD/NEFT/. The said payment shall be made to the appellant at the time of passing orders by the Hon’ble High Court of Karnataka in the above appeal.

b) Rs. 13,00,000/- (Rupees Thirteen Lakhs Only) by way of RTGS/DD/NEFT/. The said payment shall be paid to the appellant. When the appellant either withdraws the criminal case filed by her under section 498A of IPC., on Magistrate at Patna against all accused or the respondent get the same quashed for which the appellant herein shall co-operate to close the above case.”

5. In furtherance of aforesaid agreed terms and condition petitioner handover bank draft of Rs 13,00,000/- dated 09.05.2025 bearing no. 761612 drawn on HDFC Bank to Mr. Angad Kunwar (AUIN-3346) learned counsel for O.P. No. 2 before this Court for O.P. No. 2 namely Nidhi Sinha. A copy of *vakalatnama* was also provided to this Court which is already filed on 08.05.2025. The copy of *vakalatnama* taken on record.

6. In view of aforesaid factual and legal submissions as parties resolved their disputes and differences amicably, where their marriage stands dissolved under mutual consent, in view of Section 13(B) of Hindu Marriage Act, 1956 against the permanent alimony of Rs. 21,00,000/-



(Rupees Twenty one Lakh), which already appears received by O.P. No. 2, accordingly, order dated 03.01.2018 passed by learned SDJM, Patna in Kankarbagh P.S. Case No. 704 of 2016 is hereby quashed/set aside, with all its consequential proceedings.

7. Accordingly, the petition stands allowed.

8. Let a copy of the judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2025
Transmission Date	13.05.2025

