

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32725 of 2025

Arising Out of PS. Case No.-60 Year-2022 Thana- SAHPUR District- Patna

Prince Kumar, S/o Anil Kumar Singh, R/o Mathiyapur, P.S.- Shahpur,
District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Kashish Ray, D/o Gauri Shankar Prasad, R/o Village- Pacfhu Chak, Ara
Machine, P.S.- Danapur, District- Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Rakesh Kumar Sharma, Advocate Mr. Mayank Raj, Advocate Mr. Ravi Ranjan, Advocate
For the Opposite Party/s	:	Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 14-05-2025

Heard learned counsel for the petitioner and learned

APP appearing for the State.

2. The present application has been filed by the petitioner for quashing of the order dated 14.08.2023 passed by learned Judicial Magistrate-1st Class, Danapur in Shahpur P.S. Case No.60 of 2022 (G.R. No.441 of 2022), whereby the learned jurisdictional Magistrate has taken cognizance of the offence punishable under Section 498-A of the Indian Penal Code (in short 'IPC') against the petitioner.

3. The case of prosecution in brief as per



informant/O.P. No.2, namely, Kashish Ray solemnized court marriage on 21.01.2021 with petitioner namely, Prince Kumar and after the marriage, the husband of the informant kept her in a rented house at Saguna More, Patna and, thereafter, the petitioner, Mr. Priyanjal Kumar (Dewar), Munni Devi (mother-in-law), Priyanka Kumari (Nanad) and Bhushan Singh (grandfather) started demanding Rs. 10 Lakhs as dowry, which was refused to pay whereafter, accused persons/petitioner started assaulting and torturing the informant and ousted her from the rented house.

4. On the basis of aforesaid written complaint, the police registered Shahpur P.S. Case No.60 of 2022 dated 09.02.2022 for the offences punishable under Section 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

5. It is submitted by Mr. Ramakant Sharma, learned senior counsel appearing for the petitioner that the marriage between the petitioner and O.P. No.2 already dissolved by way of mutual consent under Section 28 of the Special Marriage Act, 1954, vide judgment and decree dated 10.03.2025 and 21.03.2025 respectively passed by learned



Principal Judge, Family Court, Patna in Matrimonial (Mutual Divorce) Case No.492 of 2024, where in paragraph no.7 it has been categorically stated that parties have settled all their claims and disputes amicably in respect of maintenance (present, past and future) and permanent alimony. It is further submitted that since the marriage between the parties have already dissolved and both parties have settled all their claims and disputes amicably in respect of maintenance/permanent alimony against one-time payment of Rs.15,00,000/- (Rupees Fifteen Lakhs), which is already received by O.P. No.2, continuing with present criminal proceeding before trial court would be only amount to abuse of the process of court of law.

5. Taking note of aforesaid judgment, this court is of the view that there is no need to issue notice to O.P. No.2.

6. Considering the factual submissions and by taking note of fact as the marriage between the parties has already dissolved and both parties have settled all their claims and disputes amicably in respect of maintenance/permanent alimony of Rs.15,00,000/- (Rupees Fifteen Lakhs), which was



duly received by O.P. No.2 before trial court itself, as discussed above, continuing with present criminal proceeding before trial court would only amount to abuse of the process of court of law.

7. Accordingly, the impugned order taking cognizance dated 14.08.2023 *qua* petitioner as passed by learned Judicial Magistrate-1st Class, Danapur in Shahpur P.S. Case No.60 of 2022 (G.R. No.441 of 2022), is hereby quashed/set aside.

8. The application stands allowed.

9. Let a copy of this order be communicated to the court below immediately.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-05-2025
Transmission Date	15-05-2025

