

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36564 of 2025

Arising Out of PS. Case No.-58 Year-2019 Thana- JAMALPUR District- Munger

1. Binay Kumar S/O Ram Naresh Ram Resident of Village- Chhoti Keshopur, PS- Jamalpur, District- Munger
2. Avinash Kumar S/O Ram Naresh Ram Resident of Village- Chhoti Keshopur, PS- Jamalpur, District- Munger
3. Sonu Kumar S/O Ram Naresh Ram Resident of Village- Chhoti Keshopur, PS- Jamalpur, District- Munger
4. Rakesh Kumar S/O Ram Naresh Ram Resident of Village- Chhoti Keshopur, PS- Jamalpur, District- Munger
5. Ram Naresh Ram S/O Jagan Ram Resident of Village- Chhoti Keshopur, PS- Jamalpur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi @ Khushbu Kumari wife of Binay Kumar and Daughter of Vishun Dev Das Resident of Mohalla Chhoti Keshopur P.S.-Jamalpur, District-Munger (As per FIR). At present - Khushbu Devi @ Khushbu wife of Jitendra Kumar Das permanent Resident of village- Rampur, Gandhi Tola P.S.- Jamalpur, District- Munger, Presently reside at Village-Abzooganj (Behind Block) P.O.and P.S.-Sultanganj, District- Bhagalpur
3. Jitendra Kumar Das son of Late Arjun Das Resident of Village- Abzooganj (Behind Block) P.O.and P.S.- Sultanganj, District- Bhagalpur, At present Head Master, Utkramit Madhya Vidyalaya, Bangalwa P.S.- Darhara, District-Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sinha, Advocate.
For the State	:	Mr.Yogendra Kumar Singh, APP.
For O.P. No.2	:	Mr. Kumar Kamal Nayan, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-11-2025

Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioners have preferred the application



under Section 528 of the BNSS, 2023 for quashing of the order dated 26.04.2023 passed by the learned Judicial Magistrate 1st Class, Munger, whereby charges has been framed against the petitioners after submission of chargesheet in Jamalpur P.S. Case No. 58 of 2019, G.R. No. 699 of 2019 instituted under Section 498A of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners informs that subsequent development is that the petitioners and the opposite party no.2 have now compromised and a joint compromise agreement has been brought on record by way of Annexure-7 to the supplementary affidavit that the opposite party no.2 don't want to litigate further.

4. Mr. Kumar Kamal Nayan, learned counsel appearing on behalf of the opposite party no.2, at the outset, informs that all the family members of the husband of the opposite party no.2 had subjected her to various sorts of cruelty. Aggrieved by the same and she having been coming from weaker section of the society, she has now willingly desired to live with one Jitendra Kumar Das and to that effect, information is also given on behalf of the petitioners in Paragraph No.25 of the application. Learned counsel further submitted that to get rid of undesired behaviour of the family members of her husband



Avinash Kumar and Binay Kumar, she don't want to live with them and for the said reason, she don't want to proceed further for the allegation as alleged in the F.I.R.

5. This Court finds that since the parties have now compromised, continuing with the criminal proceeding will not be in the interest of any of the parties and if allowed, the same will amount to abuse of process of law. In that view, I find that after the parties have entered into compromise, in light of the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of U.P., reported in (2025) 4 SCC 78*, the entire criminal proceeding against the petitioners in connection with Jamalpur P.S. Case No. 58 of 2019, G.R. No. 699 of 2019, pending in the Court of learned Judicial Magistrate 1st Class, Munger is hereby set aside and quashed.

6. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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