

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36722 of 2025

Arising Out of PS. Case No.-302 Year-2016 Thana- JAKKANPUR District- Patna

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1. Digvijay Kumar Son of Late Mithilesh Rai Residing at Goriya Toli, Behind Shanti Bhawan, P.S. - Kotwali, Distt.- Station Road, Patna, Patna - 800001
 2. Anjali Roy Wife of Narendra Kumar Resident of 38/C-1, V.T.C- Indira Nagar, S.O. P.S- Kalyanpur, District- Kanpur Nagar, State- Uttar Pradesh, Pin- 208026
 3. Amrita Roy @ Kiran Rai Wife of Kamlesh Kumar Resident of House No. 1156 A, First Floor, Audit Pool Colony, near Shivalik Public School, Sector- 41 B, P.S.-sector 39, Distt.- Chandigarh, Chandigarh - 160036

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Priti Kumari Daughter of Late Ratan Prasad Resident of Sanjay Nagar, Road No. 9, Postal Park, Near Bus Stand, P.S. - Janakpur, District - Patna (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuraj Singh, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Manu Tripurari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-11-2025

Heard learned counsel appearing on behalf of the petitioners; learned counsel appearing on behalf of the informant and the learned APP for the State.

2. The present application has been preferred under Section 528 of BNSS for quashing of order dated 06.12.2017 passed by the learned Additional Chief Judicial Magistrate-Ist, Patna in Jakanpur P.S. Case No.302 of 2016, whereby the cognizance has been taken under Section 498(A) of IPC and Sections 3/4 of the DP Act.



3. The prosecution story in short is that the informant got married with the petitioner no.1 i.e. Digvijay Kumar on 27.04.2015 but she was subjected to mental and physical torture by her husband and other family members. The informant has alleged that her husband and in-laws demanded a dowry of Rs.25,00,000/- from her and due to non-fulfillment of demand of dowry she was not allowed to enter her matrimonial house. She further alleged that her husband (petitioner no.1) took a flat on rent and entered into illicit relationship with another woman.

4. At the outset, it has been informed by Mr. Anuraj Singh, learned counsel appearing on behalf of the petitioners and Mr. Manu Tripurari, learned counsel for the Opposite Party no.2 that after failure to arrive at amicable settlement, now have settled their dispute outside the Court by one time settlement. Learned counsels inform that the terms and conditions of the compromise has been drawn between the parties on 21.11.2025 and both the parties (husband and wife) have sworn their individual affidavit. Now they have arrived to a settlement that they seek to separate from each other. Learned counsels further inform that they have received instruction in this regard from their respective clients that they have agreed to file a joint petition before the learned Principal Judge, Family Court, Patna



for consensual divorce within a period of two weeks in view of the terms and conditions, as contained in the compromise petition dated 21.11.2025.

5. Learned counsel appearing on behalf of OP No.2 also submitted that OP No.2 will withdraw the Matrimonial Case No.1278 of 2017, pending before the Family Court, Patna after fulfilling all the terms and conditions of the compromise.

6. Learned counsel appearing on behalf of the petitioners, in this view, submitted that since the parties have compromised and now they are ready to file a joint petition for consensual divorce in view of the terms and conditions, as contained in the compromise petition dated 21.11.2025, no case is made out against the petitioners and the entire criminal proceeding in connection with Jakanpur P.S. Case No.302 of 2016 is fit to be quashed and set aside 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.

7. Considering the desire of the parties, as well as,



upon perusing the compromise petition and both the parties (husband and wife) have agreed to file a joint petition for mutual consented divorce before the learned Principal Judge, Family Court, Patna well within a period of two weeks from today, 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.

8. Accordingly, entire proceeding in connection with Jakanpur P.S. Case No.302 of 2016 and also the cognizance order dated 06.12.2017 are *set aside and quashed*.

9. In case of failure on the part of the either side, the learned Principal Judge, Family Court, Patna may proceed in accordance with law.

10. With the above observation/direction, the present quashing application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2025
Transmission Date	28.11.2025

