

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43216 of 2024

Arising Out of PS. Case No.-4468 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Kumar Abhishek Son Of Rai Amrendra Prasad Resident Of Bottomline Technologies, Ground Floor, Luxor South Block, Bagmane Capital Techpark, Bagimane, Capital Business Park, Mahadevapura, Bengaluru (Karnataka)-560018, Permanent Resident Of Shanti Niwas, Near Anandi Apartment, Bailey Road, P.S. - Rupaspur, District - Patna - 800014
 2. Rai Amrendra Prasad Son Of Late Rai Ravindra Prasad Resident Of Shanti Niwas, Tapeswar Nagar Ara Garden Road, Jagdeo Path, Near Anandi Apartment, Bailey Road, P.S. - Rupaspur, District - Patna - 800014
 3. Smt. Kamla Prasad Wife Of Sri Rai Amarendra Prasad Resident Of Shanti Niwas, Tapeswar Nagar Ara Garden Road, Jagdeo Path, Near Anandi Apartment, Bailey Road, P.S. - Rupaspur, District - Patna - 800014

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Akriti Sinha Wife Of Kumar Abhishek, D/O. Sri Vinod Kumar Sinha Resident Of Shanti Niwas, Tapeswar Nagar Ara Garden Road, Jagdeo Path, Near Anandi Apartment, Bailey Road, P.S. - Rupaspur, District - Patna - 800014. At Present Resident Of Dwarika Lane, New Bigrahpur Road, Bank Colony, P.S. - Jakanpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Anish Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 19-08-2025

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

2. Present petition is being filed by the petitioners
for quashing the cognizance order dated 05.01.2024 as
passed by learned J.M, 1st Class Patna in Complaint Case No.



4468 (c) of 2023 whereby and where under learned Magistrate found a prima-facie case under sections 498A of IPC and 3/4 of D.P Act and accordingly taken cognizance for the offences punishable under sections 498(A) of the IPC and section 3/4 of D.P. Act against the petitioners.

3. Case speaks in brief that, complainant was married to one Kumar Abhishek (petitioner no. 1) on 09.02.2019 according to Hindu rites and customs. Her family gave ₹35 lakhs for marriage related expenses, ornaments worth ₹5 lakhs, household articles worth ₹2 lakhs, and clothes worth ₹3 lakhs as gifts. After marriage, when she joined her matrimonial home in Patna, the accused persons allegedly misbehaved with her and complained about not receiving ₹10 lakhs and a car in dowry. Later, she and her husband, both working in Bangalore, started to live together at Bangalore, where disputes arose between them regarding household expenses and division of domestic work. The husband also allegedly misbehaved with the complainant's elder brother. On 25.07.2021, the husband brought the complainant back to Patna, sent her to her parental home, and imposed conditions



for keeping her with him. In October 2021, when the complainant along with her father and brother visited her husband in Bangalore, he allegedly misbehaved with them. Subsequently, on 05.09.2022, the husband left Bangalore for Delhi without informing the complainant, taking all his belongings. On 11.11.2022, the complainant returned to her father's house in Patna and start working from home. Later, on 05.01.2023, her husband allegedly abused her again and declared that he could not live with her. When the complainant approached the local police, they refused to register the case, saying it a family dispute. Consequently, the complainant has instituted the present case.

4. It is submitted by learned counsel appearing for petitioners that the petitioner no.1 is husband, petitioner no.2 and 3 are father and mother of the husband of O.P. No. 2. It is pointed out that petitioner no.2 and 3 are living separately having no connection with their daily and domestic affairs. It is submitted that the implication of petitioner no. 2 and 3 appears *prima-facie* only out of the relation, being in-laws of O.P. No.2. It is also submitted that the allegation *qua* alleged



cruelty appears very much general and omnibus against them and moreover the matter appears compromised between the parties against the permanent alimony of Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand only), where parties also decided to dissolve their marriage by way of mutual divorce.

5. In view of aforesaid, it is submitted that as parties settled their dispute, continuing with present criminal proceeding before the Trial Court would only amount to abuse of the process of court of law.

6. Learned counsel appearing on behalf of opposite party no. 2 has also affirmed the factum of compromise as submitted above by learned counsel appearing for petitioners.

7. It would be apposite to reproduce terms and condition of compromise as filed on joint affidavit, which is available on record and as under:-

“5. That as per the direction of this Hon’ble court both parties agreed to dissolve their marriage by way of their mutual consent as provisioned under Section 13B(1) of the Hindu Marriage Act, 1955 against permanent alimony of Rs. 7.5 lakhs and accordingly petitioner No. 1 has agreed to give one time settlement amount of Rs. 7.5 lakhs in three installments within six months. In this regard the petitioner No. 1 has given a demand draft bearing No. issued by N Bank, amounting to Rs. 3,50,000/- (Rupees Three Lakhs Fifty thousand only) to the O.



P. No. 2 (Informant) as 1st installment and rest two installments of Rs. 2 lakhs each will be given within 6 months from the date of 1st installment.

6. *That the petitioner No. 1 undertakes that he will pay entire settled amount within six months. After this, O. P. No. 2 shall not make any present or future civil or criminal claim/case for maintenance, alimony, domestic violence, property, or stridhan against Petitioner No. 1 or his parents.*

7. *That O. P. No. 2 undertakes that she shall have no further claim against the petitioner No 1 after receiving the full and final payment of total amount of Rs. 7.5 lakhs.*

8. *That both parties also agreed that if any other civil or criminal cases are pending against each other, they shall withdraw the said cases.*

9. *That the O. P. No. 2 also undertakes that she will withdraw below cases:*

i. *Case Number: 4468(c)/2023 Sections of Offence: Sections 498A, 420, 323, 504, 506 of the Indian Penal Code (IPC) and Section 3/4 of the Dowry Prohibition Act against the petitioner No 1 and his parents.*

ii. *Maintenance Case No. 123 (M)/ 2023 which she filed against the petitioner No 1.*

iii. *Cr. Misc. Case No. 47/2025 (for bail cancellation) in the court of Additional District and Sessions Judge - II against the petitioner No 1.*

10. *That the petitioner No. 1 undertakes to withdraw Constitutional Petition No. 1129/2024 under Section 9 for restitution of conjugal rights against O.P. No. 2 upon mutual consent for divorce.”*

8. In furtherance of compromise, petitioner no. 1 before this learned Court handover demand draft of Rs. 3,50,000/- (Rupees Three Lakh Fifty Thousand Only) to



informant/ O.P. No. 2 Akriti Sinha, in presence of her lawyer today, before this Court through demand draft no. 000533 dated 14.08.2025 drawn at HDFC Bank, Greater Noida. Balance amount of Rs. 4 lakh shall be paid during mutual divorce proceeding before learned family court, Patna, where Rs. 2 lakh shall be paid at the time of first motion and balance of Rs. 2 lakh at the time of second motion of this case.

9. Complainant submitted through her learned counsel that in view of compromise, she has no objection to quash other criminal proceedings initiated by her against petitioners and her in-laws including maintenance case, to secure ends of justice.

10. Accordingly, by taking a note of fact as parties settled their dispute amicably, the impugned order of cognizance dated 05.01.2024 as passed by learned J.M, 1st Class Patna in Complaint Case No. 4468 (c) of 2023A *qua* above-named three petitioners is hereby quashed/set aside, with all its consequential proceedings.

11. In view of compromise beside aforesaid case , as to secure ends of justice, Maintenance Case No. 123 (M)/



2023 and Cr. Misc. Case No. 47/2025 are also hereby quashed/ set aside.

12. The petitioner is directed to take steps to withdraw Constitutional Petition No. 1129 of 2024 which was filed for restitution of conjugal rights.

13. Parties are directed to file their petition for mutual divorce, preferably within three weeks’ of this order and are directed to comply the terms and conditions of joint compromise as discussed aforesaid.

14. Accordingly, the petition stands allowed to aforesaid extent.

15. Let a copy of the judgment be sent to all concerned learned trial courts forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025.
Transmission Date	22.08.2025.

