

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41034 of 2025

Arising Out of PS. Case No.-797 Year-2019 Thana- BIHTA District- Patna

Abhishek Kumar Pandey Son of Late Ramsakal Pandey Resident of village -
Patralaya, P.S.- Bihta, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Kumari@ Annu Pandey Daughter of Manjay Singh Ex-wife of
Abhishek Kumar Pandey, Resident of Nagar Bihta, P.O.- Lai, P.S.- Bihta,
District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Bhardwaj, Advocate Mr. Nilabh Ranjan, Advocate Mr. Madhumaj Madhup, Advocate
For the O.P. No. 2	:	Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-11-2025

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

2. The petitioner has preferred application under
Section 528 of BNSS for quashing the order taking cognizance
dated 22.02.2021 passed by the learned ACJM-I, Danapur in
connection with G.R. No. 3026 of 2019 arising out of Bihta P.S.
Case No. 797 of 2019, by which learned ACJM-I, Danapur has
taken cognizance of offence under Sections 341, 323, 307 and
498(A) of the Indian Penal Code and Sections 3 and 4 of D.P.
Act.



3. At the outset, it is informed by the learned counsels appearing on behalf of the respective parties that a joint compromise petition dated 22.11.2023 for dissolution of marriage under Section 13B of the Hindu Marriage Act was filed in Matrimonial Case No. 1142 of 2019 before the Additional Principal Judge, Family Court, Patna, which has been brought on record by way of 'Annexure-P/2' to the quashing application, which bears the signature of both petitioner and opposite party no. 2 and finally the marriage was dissolved on 01.05.2024. However, the parties have not withdrawn the cases filed against each other.

4. Today, the respective parties have informed that they will file affidavit before the concerned Court withdrawing all the cases, which are pending against the respective parties.

5. Learned district Court concerned where the cases are pending must not consume time in procedural complicity by giving date after date.

6. Both the parties are directed to file their respective affidavit before the concerned Court after withdrawing all the cases lodged against each other, which are pending, within a period of sixty days.

7. The Court concerned must take into account the Act



as per 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***.

8. Accordingly, the order taking cognizance is modified to the above extent.

9. The present quashing application stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.11.2025
Transmission Date	28.11.2025

