

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39794 of 2025

Arising Out of PS. Case No.-1252 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Alok Ranjan Sahay @ Alok Kumar Sahay @ Bittu Son of Late Naval Kishor Sahay Resident of Village and P.O - Done, P S Darauli District Siwan, PIN 841235
 2. Raj Rani Sahay @ Raj Rani Wife of Late Naval Kishor Sahay Resident of Village and P.O - Done, P S Darauli District Siwan, PIN 841235
 3. Arbind Ranjan Sahay @ Arvind Kumar Sahay Son of Late Naval Kishor Sahay Permanent Address Resident of Village and P.O - Done, P S Darauli District Siwan, PIN 841235

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachna Priya D/O Sri Rakesh Kumar Sinha Presently Residing At Flat no. 302 , Jayanti Nilayam Apartment , Rd no.- 15 , Indrapuri, P.S - Patliputra Distt.- Patna, PIN- 800024

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 01-07-2025

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

2. Present petition is being filed by the petitioners
for quashing the order dated 09.04.2025 passed in Complaint
Case No. 1252(c) of 2017 dated 21.04.2017 by learned
SDJM, Patna, whereby application filed for discharge from the
prosecution of offences under Section 498A of the IPC and



under Section 3/4 of D.P. Act in Complain Case No. 1252 (c) of 2017 dated 21.04.2017 has been disposed of with a direction to the petitioners to remain physically present for framing of charge.

3. As per prosecution story, in brief, O.P. No.2 solemnized marriage with petitioner no.1 namely Alok Ranjan Sahay @ Alok Kumar Sahay @ Bittu on 28.01.2013 according to Hindu rites and customs. The complainant/ O.P. No. 2 after marriage lodged present complaint alleging that petitioner no. 1 is a rude and eccentric mind person. The complaint further alleged that petitioner no. 1 was not physically competent to establish physical relation with her and used to torture her for cash and articles and because of the alleged occurrence present complaint case was lodged against 12 accused persons including petitioner.

4. Learned counsel appearing for the petitioner while arguing on the point of admission without exploring merit submitted that the matter appears compromised between the parties and they resolved their issues. It is pointed out that the petitioner no. 1/ husband and O.P. No. 2



dissolved their marriage under their mutual consent as per provisions available under Section 13B of the Hindu Marriage Act, 1955, where O.P. No. 2 namely, Rachna Priya received permanent alimony of Rs. 27,00,000/- (Rupees Twenty Seven Lakh). During course of argument the learned counsel referred Annexure-7, where O.P. No. 2 expressed her willingness as to quash the present case in the background of the compromise as submitted aforesaid. Petitioner no. 2 and 3 are in-laws.

5. In view of aforesaid, this Court is of view that there is no need to issue notice to O.P. No. 2.

6. Out of submissions and perusal of record particularly the impugned order, it transpires that the prayer of discharge was rejected by the learned trial court only for the reasons that the offence punishable under Section 498A of the IPC is not legally compounded and same not falls within the ambit of schedule attached to Section 320 of the Cr.P.C.

7. Let it be so, as parties resolved their disputes and differences amicably as discussed aforesaid, continuing the pending proceedings before the learned court below would



only amount to abuse of court of process of law.

8. Accordingly the impugned order of cognizance dated 09.04.2025 passed by learned SDJM Patna in Complaint Case No. 1252(c) of 2017 *qua* petitioners is hereby quashed/set aside, with all its consequential proceedings.

9. Accordingly, the petition stands allowed.

10. Let a copy of the judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2025
Transmission Date	02.07.2025

