

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47791 of 2019

Arising Out of PS. Case No.-1263 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Govinda Gaurav Pandey S/O Dinesh Chandra Pandey Resident Of Village-
Larkaniya Tola, Ward No. 18, Katihar, P.S.- Town, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhagya Shree D/O Late Achchyutanand Singh Resident Of Mohalla-
Bhikhanpur, Gumati No. 2, Bhatha Road, P.S.- Ishakchak, District-
Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 02	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-04-2025 Heard the learned counsel for the petitioner, learned

APP appearing for the State and the learned counsel for the O.P.

No. 02; Sri Sunil Kumar Singh.

2. This is an application for quashing of the order dated 04.02.2017 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur in Complaint Case No. 1263 of 2016 by which cognizance has been taken against the petitioner and others for the offences punishable under Sections 323, 341 & 498A of the Indian Penal Code and Section 3/4 of the DP Act.

3. Learned counsels for both the parties have relied upon the Divorce Petition *vide* Matrimonial (Divorce) Case No.



34 of 2025.

4. Paragraphs L and M of the Divorce Petition *vide*
Matrimonial (Divorce) Case No. 34 of 2025 read as follows:-

“L). That the petitioner no. 2 (wife) will withdraw/co-operate in disposal of Complaint Case no. 1263/2016 pending in the court of S.D.J.M., Bhagalpur on the date fixed in said case (01.03.2025) after filing/admission of mutual consent of divorce.

M) That all the cases Complaint Case No. 1263/2016 and Maintenance Case No. 82/2018 filed by petitioner no. 2 Bhagya Shree pending in the court of S.D.J.M. Bhagalpur and in the court of Principal Judge, Family Court, Bhagalpur and Divorce Case No. 419/2022 filed by petitioner no. 1(husband) pending in the court of Principal Judge, Family Court, Bhagalpur each shall be withdrawn/disposed of by them by joint efforts immediately on the basis of compromise after admission of petition for mutual consent of divorce.”

5. Pursuant to the statements made in the divorce petition, this application is allowed. Accordingly, the order dated 04.02.2017 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur in Complaint Case No. 1263 of 2016 is hereby quashed.

(Sandeep Kumar, J)

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