

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48038 of 2019

Arising Out of PS. Case No.-543 Year-2017 Thana- KOTWALI District- Patna

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1. RITESH MAGADH @ MITESH MAGADH Son of Chitranjan Kumar Singh Resident of Boring Canal Road, Gorakh Nath Compound, Police Station-Kotwali, District-Patna.
 2. Smt. Indu Singh Wife of Chitranjan Kumar Singh Resident of Boring Canal Road, Gorakh Nath Compound, Police Station-Kotwali, District-Patna.
 3. Smt. Ritu Darshi Wife of Ritesh Magadh @ Mitesh Magadh Resident of Boring Canal Road, Gorakh Nath Compound, Police Station-Kotwali, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anuradha Singh Daughter of Durga Nand Singh Resident of Survey No. 29/1/22 R.K Puram Society, Post Office Dhanouri, Police Station-Bishrantbari, District- Pune (Maharashtra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh
For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-08-2025 Heard the parties.

2. The present application has been filed for quashing of the order dated 06.10.2018 passed by learned Chief Judicial Magistrate, Patna in Kotwali P.S. Case No. 543/2017 whereby and whereunder he has taken the cognizance of the offences under Sections 498(A), 504, 506/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act against the petitioners and other co-accused persons.

3. Learned counsel for the petitioners has taken this



Court to the order of the Hon'ble Supreme Court in Transfer Petition (Civil) No. 841 of 2019 and has submitted that the matter has been settled and in the Hon'ble Supreme Court it was agreed that all the cases pending between the parties shall be withdrawn. He further submits that the opposite party no. 2 is not withdrawing the cases after getting alimony of Rs. 20 Lakhs and after grant of divorce by Hon'ble Supreme Court by order dated 7.7.2020 passed in Transfer Petition (Civil) No. 841 of 2019.

4. The Settlement Agreement filed in the Hon'ble Supreme Court on behalf of the parties reads as follows:-

“This Settlement Agreement is being executed between Petitioner Mrs. Anuradha Rishkek Magadh W/o Mr. Rishkek Magadh, D/o Mr. Durga Nand Singh, R/o S No. 29/1/22 R.K. Puram Society, Munjoba Vasti, Post Dhanori, Vishrantwadi, Pune-15 and Respondent Mr. Rishkek Magadh, S/o Mr. Chitranjan Kumar Singh, R/o Gorakhnath Compound, behind Trishul Shopping Market, East Boring Canal Road, Patna-800001.

The marriage between the petitioner and respondent was solemnized on 28.11.2012 at Patna. Both parties resided together as husband and wife till May, 2017. There is no issue from this wedlock. That thereafter, due to differences between the parties, they started living separately with their respective parents.

This Hon'ble Court vide its order dated 24.09.2019 was pleased to refer



the matter to Mediation Centre, Supreme Court of India, New Delhi.

Comprehensive mediation sessions were hold with the parties separately and jointly on 19.10.2019 and today i.e. on 18.11.2019 and with the indulgence of counsels and Mediators, the parties have arrived at an amicable settlement on the following terms and conditions.

1. Both the parties hereto confirm and declare that they have, voluntarily and of their own free-will, have decided not to live together as husband and wife and have arrived at this Settlement in the presence of the mediator, their respective counsels and their family members.

2. That the parties to the agreement agree and undertake to withdraw all the cases/FIR/Complaints etc. or any other civil or criminal cases pending against each other and their family members in any Court of law or forum in India. The description of the cases are given as under:-

(i.) P.S. Case No. 543 of 2017 (GR No. 6623 of 2017 pending before Ld. S.D.J.M., Patna.

(ii) Domestic Violence Case bearing Misc. Criminal No. 129 of 2018 pending before, Ld. J.M.F.C. Khadki Court, Pune.

(iii) Criminal Appeal No. 694 of 2018, pending before District Judge V and Additional Session Judge, Pune filed by the Respondent.

(iv) Criminal Appeal No. 501 of 2018 pending before District Judge-V and Additional Session Judge, Pune filed by the Respondent.

(v) Matrimonial (Divorce), Case



No. 141 of 2019, pending before Principal Judge, Family Court, Patna, Bihar filed by the Respondent.

(vi) Criminal Misc. Case No. 48038 of 2019, pending before High Court of Patna filed by the Respondent.

3. That both the parties have entered into a full and final settlement/agreement in respect to the above mentioned cases on the following terms & conditions.

(i) That both the parties herein agree that they shall jointly pray to the Hon'ble Supreme Court to exercise its power under Article 142 of the Constitution of India and to grant Decree of Divorce by mutual consent and for quashing of the aforesaid criminal cases within two weeks from today i.e. 18.11.2019. The Respondent/husband will pay a full and final amount of Rs. 20,00,000/- (Rupees Twenty Lakh only) to the petitioner (Anuradha Singh). Out of that total amount Rs. 5,00,000/- (Rupees Five Lakh Only) shall be paid to the petitioner-wife by RTGS in her Bank Account No. 50100106539755, IFSC Code- HDFC0000039 in HDFC Bank Ltd. Branch at Pune within 10 days from today i.e. 18.11.2019. Balance of Rs. 15,00,000/- (Rupees Fifteen Lakh Only) would be paid by the respondent to the petitioner at the time of hearing and disposed of the application filed by the parties before the this Hon'ble Court.

(ii) That in case the Hon'ble Supreme Court is not inclined to pass the decree of divorce by mutual consent under Article 142 of the Constitution of India, then both the parties agree and undertake to file for the Mutual Divorce Petition before the Patiala House Court, New Delhi within two



weeks of final order of the Hon'ble Supreme Court accepting the Settlement Agreement and disposing of the Transfer Petition. Both the parties undertake to be present before the appropriate Court for the filing and for the recording of the statements in the mutual consent divorce petition.

4. It has been agreed between both the parties that Respondent-husband Mr. Rishkek Magadh shall pay a sum of Rs. 20,00,000/- (Rupees Twenty Lakh Only) as a full and final settlement to Ms. Anuradha Rishkek Magadh towards her Stridhan if any, maintenance past, present, future and permanent Alimony.

*5. The First installment of Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand Only) shall be paid by the Respondent-husband to Petitioner-wife Ms. Anuradha Singh by way of demand draft at the time of recording of the statement in the **First Motion** in the proceedings under Section 13(B) of H.M. Act at Patiala House Court, New Delhi.*

*6. The second and final installment of Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand Only) shall be paid by the Respondent-husband to Petitioner-wife Ms. Anuradha Singh by way of demand draft at the time of recording of the statement in the **Second Motion** filed in accordance with law and reporting withdrawal/quashing of all cases.*

7. That both the parties herein agree that all the pending cases whether specifically mentioned or not between the parties & their family members herein shall be withdrawn/ quashed and brought to closure within six months/coinciding with



final motion of the divorce petition. The parties and/or their family members, relatives or representatives undertakes not to initiate any other litigation against each other in future also with regard to all the disputes settled herein, arising out of the matrimony.

8. Both the parties agree and undertake that they have settled all their disputes and grievances against each other and against their family members amicably and they shall not file any complaints, proceedings whether criminal or civil, if any against each other or their family members or stake any claim on the movable or immovable, joint or ancestral, self-acquired or HUF properties of either parties and their respective families. Both the parties further undertake to withdraw the aforesaid matters or any other matter if any pending against each other anywhere.

9. By signing this Agreement, the parties hereto solemnly state and affirm that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto, through the process of Mediation.

10. That the parties are accordingly signing this settlement agreement in presence of all named above, to authenticate their will to comply the same as agreed above.

11. Both the parties further agree that while carrying out the above said stipulations no party should take advantage of its own wrong.”

5. In view of the Settlement between the parties and
the order of Hon'ble Supreme Court, I am of the view that the



present proceeding and all other criminal proceedings pending in the court below should be quashed.

6. In view of above, this application is allowed.

7. The entire prosecution of all the accused in Kotwali P.S. Case No. 543/2017, pending in the court of learned S.D.J.M., Patna is hereby quashed.

8. Let a copy of this order be sent to the District Judge, Patna through FAX for its compliance.

(Sandeep Kumar, J)

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