

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48542 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- MATIHANI District- Begusarai

1. Madhuri Singh W/O Sri Amresh Singh @ Amresh Kumar Singh R/O Mohalla- Kokar, Industrial Area, P.S. Sadar, Dist. Ranchi (JHARKHAND).
2. Amresh Singh @ Amresh Kumar Singh S/O Late Maheshwari Prasad Singh, R/O Mohalla- Kokar, Industrial Area, P.S. Sadar, Dist. Ranchi (JHARKHAND).
3. Dr. Rakesh Kumar Singh, S/O Sri Amresh Singh @ Amresh Kumar Singh R/O Mohalla- Kokar, Industrial Area, P.S. Sadar, Dist. Ranchi (JHARKHAND).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sapna, D/O Prakash Kumar Singh, R/O Village- Chhitrou, P.S. Matihani, Dist. Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Advocate Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s :		Mr.Ajay Kumar No. 2, APP
For the O.P. No. 2	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Amresh Kumar, Advocate Mr. Rakesh Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 02-07-2025

Heard learned counsel appearing on behalf of the parties.

2. The present application has been preferred by the petitioners for quashing of FIR of Matihani P.S. Case No. 105/2022 registered for the offence punishable under Sections 498(A), 504, 506, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



3. The case of the prosecution in brief is that the informant/opposite party No. 2 married to one Avinish Kumar @ Avinish Singh as per Hindu customs and rites. At the time of marriage, parents of informant gave Rs. 10,51,000/- cash, ornaments of Rs. 10 lacs and house hold articles worth Rs. 5 lacs as gift. After solemnization of marriage, she went to her in-laws house and just after few days, her husband Avinish Kumar, Mother-in-law Madhuri Singh and elder brother-in-law (Bhaisur) Dr. Rakesh Kumar Sinha started torturing her physically and mentally and demanded Rs. 50 lacs. In the year 2019, on the occasion of festival of Holi, she alongwith her husband came at her parental house and her husband told to her father to give Rs. 50 lacs, otherwise threat to face the consequences and also he abused and misbehaved with her father. On 23.03.2019 informant returned back to her in-laws home and her husband disclosed entire fact to his parents, as a result of which on 24.03.2019 at about 7 A.M. her Bhaisur (Bother-in-law) and Mother-in-law abused her father and when it was objected by her, then her husband assaulted her by belt. On 02.04.2021 at about 10:00 P.M. her in-laws



assaulted her due to non-fulfilment of aforesaid demand and kept jewellery worth Rs.10 Lacs and cloths worth Rs. 5 lacs with them for which opposite party no. 2 informed her family members, whereafter, her father, brother-in-law and sister arrived there and brought her back to her parental home and since then she is residing there.

4. On the basis of aforesaid written information, the present FIR as Matihani P.S. Case No. 105 of 2022 was registered for the offence punishable under Sections 498(A), 504, 506, 34 of the Indian Penal Code and also Section 3/4 of the Dowry Prohibition Act and accused persons including petitioners.

5. Without exploring the merit as available for petitioners, it is straightway submitted by learned counsel appearing for petitioners that marriage between the parties settled amicably as they decided to dissolve their marriage by way of mutual divorce as provisioned under Section 13B of the Hindu Marriage Act, 1955. It is submitted that in furtherance of compromise, which is the part of order dated 07.10.2024, the opposite party no. 2 received permanent



alimony of Rs. 45 lacs from husband, namely, Avinish Kumar @ Avinish Singh (who is not petitioner). It is also pointed out that both motions completed before learned trial court as provisioned under Section 13B and the matter is pending for argument/judgment. It is submitted that in view of aforesaid, the continuing with present criminal proceedings before the learned trial court would only amount to abuse the process of court and, therefore, the FIR in issue be quashed against all accused persons including petitioners as to secure the ends of justice.

6. Mr. Amresh Kumar, learned counsel, while appearing for opposite party no. 2 also approved the *factum* of compromise as submitted above and submitted further that he has no objection if FIR be quashed against all named accused persons including petitioners.

7. Considering the submission as advanced above by learned counsel appearing for the parties, as it appears that matter amicably settled between the parties, as discussed aforesaid, *prima facie* continuing with present criminal proceedings before the learned trial court would only amount



to abuse the process of court.

8. Accordingly, FIR of Matihani P.S. Case No. 105/2022 registered for the offence punishable under Sections 498(A), 504, 506, 34 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry Prohibition Act is hereby quashed/set-aside *qua* all named co-accused persons including petitioners, with pending proceedings, if any.

9. Accordingly, present quashing petition stands allowed.

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

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2025
Transmission Date	04.07.2025

