

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51712 of 2023

Arising Out of PS. Case No.-900 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rizwana Begum Wife of Late S.M. Zafiruddin (Mother-in-Law)
 2. Rahimuddin @ Md. Rahimuddin Son of Late S.M. Zafiruddin
- Both the petitioners i.e. (1) & (2) are resident of Mohalla-Janata Press Gali Minhaj Nagar, Phulwari Sharif, P.S.-Phulwari Sharif, Distt.-patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Imam, posted as Junior Accounts Clerk F & A BSPDCL, Patna, Wife of Md. Rahimuddin D/O-Syed Anwar Ali Imam, Resident of Mohalla IAS Colony, New Bailey Road, Raza Complex Flat No. 608, P.S.-Rupaspur, Distt.-Patna. At Present Residing At Razia Manzil, Bhanwar Pokhar, Jamun Gali, P.S.-Pirbahor, Distt.-patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77811 of 2024

Arising Out of PS. Case No.-100 Year-2022 Thana- DOMESTIC VIOLENACE District-
Patna

Md. Rahimuddin @ Rahimuddin S/o Late Jafaruddin @ Late S.M. Jafiruddin @ Late S.N. Jafaruddin, Resident of Mohalla- Janata Press Gali Minhaz Nagar, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Imam W/o Md. Rahimuddin @ Rahimuddin and D/o Syed Anwar Ali Imam R/o Flat No. 608, Raza Complex, IAS Colony, New Bailey Road, P.S.- Rupaspur, Distt. - Patna, At present residing at Razia Manzil, Bhanwan Pokhar, Jamun Gali, P.S. - Pirbahor, Distt.- Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 27688 of 2025

Arising Out of PS. Case No.-100 Year-2022 Thana- DOMESTIC VIOLENACE District-
Patna

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1. Mahi Zafir W/O Asif D/o Late S.M. Jafiruddin, Resident of New Milat Colony, Sector 2, Near Biryani Mahal Phulwarisharif, P.S- Phulwarisharif, Distt.- Patna.



- 2. Sabuhi Ramana @ Subuhi W/O Dr. Mohd. Asif Ali, Family Hostel, DMCH Campus, Darbhanga, Medical College and Hospital, Laheriyasarai, P.S- Darbhanga, Distt.- Darbhanga.
- 3. Rizwana Begum W/O Late Syed Mohammad Zafiruddin R/O Janta Press Gali, Minhaj Nagar, Phulwarisharif, P.S- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Nikhat Imam W/O Md. Rahimuddin and D/O Saiyad Anwar Ali Imam R/O Flat No. 608, Raza Complex, IAS Colony, New Bailey Road, P.S- Rupaspur, Distt.- Patna at present residing at Razia Manzil, Bhawar Pokhar, Jamun Gali, P.S- Purbahar, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51712 of 2023)

For the Petitioner/s : Mr.Dwivedi Surendra, Advocate
For O.P.No.2 : Ms.Archana Shahi, Sr. Advocate
Mr.Syed Arshad Alam, Advocate
Ms.Anjum Parveen, Advocate
Mr.Kamran Fazal, Advocate

For the State : Mr.Ajit Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 77811 of 2024)

For the Petitioner/s : Mr.Dwivedi Surendra, Advocate
Mr.Bhavesh Kumar, Advocate
For O.P.No.2 : Ms.Archana Shahi, Sr. Advocate
Ms.Anjum Parveen, Advocate

For the State/s : Mr.Ajit Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 27688 of 2025)

For the Petitioner/s : Mr.Dwivedy Surendra, Advocate
For the State/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

11 18-09-2025 Heard learned counsels appearing on behalf of the

petitioners; learned counsel for the O.P.No.2 and the learned

APP for the State.

Re: Cr. Misc. No.51712 of 2023

2. The prosecution story in short is that the ‘*Nikah*’ of

the complainant/O.P.No.2 (Nikhat Imam) was solemnized with

the petitioner no.2 (Rahimuddin @ Md. Rahimuddin), in which



her father spent Rs.34-40 lakh. He also gifted ornaments to the Opposite Party No.2 and the petitioner no.2 (husband) amounting to rupees several lakhs. It is alleged that just after the '*Nikah*', the complainant was assaulted and forced to leave her in-laws house by the petitioners. Petitioners and other family members of the petitioner no.2 also snatched the gold ornaments of Rs.22,000/- belonging to the complainant.

3. The background of the case is that the complainant is working in the South Bihar Power Distribution Company Ltd. as the Accounts Clerk and her services is subject to certain terms and conditions of the contract. The petitioner (husband) is a qualified Engineer and at the time of the marriage, he was engaged as the Professor in a College at Pulwama (Jammu Kashmir) and he was being paid substantial amount of remuneration, as per the contract. Both the parties pay taxes on their substantial income. As per the information given by the learned counsel appearing on behalf of the complainant, the employer of the petitioner (husband) till date is deducting the substantial amount of taxes at source (TDS), which is controverted and denied by Mr. Dwivedi Surendra, learned counsel appearing on behalf of the petitioner. This Court will not go into such matter as it is the matter of verification.



4. Considering the fact that today, both the parties jointly draw attention of this Court at the time of hearing of the case in chamber to the order dated 09.05.2025. On the said date, both the parties had mutually agreed to settle the dispute, if a sum of Rs.15-16 lakh is paid to the complainant and her golden jewellery is returned. It would be proper to reproduce paragraph no.4 of order dated 09.05.2025, which is reproduced *inter alia* as follows :-

“4. At this stage, Mrs. Archana Sinha, learned senior counsel appearing for the opposite party no.2 submitted that opposite party no.2 is desirous to settle this issue with the petitioners against permanent alimony of 15 to 16 lakhs and further her golden jewelries be returned also, which is in the custody of petitioners.”

5. Pursuant to the said oral agreement and such information recorded in paragraph no.4, this case was adjourned on several dates and finally petitioner no.2 (husband) agreed to hand over a Demand Draft of Rs.12.50 lakh only.

6. It is pointed out by Mr. Dwivedi Surendra, learned counsel appearing on behalf of the petitioners that on 24.06.2025, the agreed amount with mutual consent of the parties was reduced to Rs.12 lac and in addition to it, on account of jewellery and furniture, the petitioner no.2 agreed to pay a further sum of Rs.50,000/-, as such, total Rs.12.50 lakh.



The order dated 24.06.2025 was passed on the basis of the compromise and this Court directed to file a joint compromise petition by the next date of hearing of the case. The petitioner could not handed over the agreed amount, which led this Court to pass order dated 07.07.2025.

7. Vide order dated 02.09.2025, submissions of Mr. N.K.Agrawal, learned Senior Advocate and Mr. Dwivedi Surendra, learned counsels appearing on behalf of the petitioners were recorded and the record shows that the petitioners are ready to hand over Rs.12.50 lakh within two days to the complainant.

8. This Court considering the manner in which the parties proceeded to compromise with each other and finding hope of reconciliation so that the petitioner no.2 and Opposite Party No.2 can lead a happy married life, vide order dated 08.09.2025, on persuasion of the respective learned counsels, who are representing the petitioners and the Complainant/Opposite Party No.2, the petitioner no.2, in front of his father (petitioner no.1) and Opposite Party No.2 agreed to live together. It was agreed by petitioner no.2 that he has no hesitation to join O.P.No.2 and live at her parental house. Some efforts were taken and a request was jointly made on 11.09.2025



to adjourn this case to be heard today.

9. Today, it has been informed by both the parties that they are ready to separate. An objection has been raised by the learned counsel appearing on behalf of the complainant (O.P.No.2) (wife) that only meagre amount of Rs.50,000/- has been paid to the complainant on account of jewelleryes and other articles. The same has been denied by Mr. Dwivedi Surendra, learned counsel appearing on behalf of the petitioners and he informs this Court that the complainant is not ready to abide by the settlement, which took place in course of the proceeding of the case.

Re: Cr. Misc. No.77811 of 2024

10. The petitioner no.2 (husband) of above Criminal Miscellaneous Case bearing No.51712 of 2023 has challenged the order dated 04.01.2024 passed in Domestic Violence Case No.100 of 2022 by the J.M. Ist Class, Patna against which the petitioner has preferred an Appeal (under DV Act) No. 25 of 2024. The learned appellate court affirmed the order by which the petitioner was directed to pay Rs.22,000/- per month to O.P. No.2, vide reasoned and detailed judgment dated 23.07.2024.

Re: Cr. Misc. No.27688 of 2025

11. This Criminal Miscellaneous also arises out of



order dated 04.01.2024 passed in D.V.Case No.100 of 2022 by the learned Judicial Magistrate Magistrate Ist Class, Patna, which has been challenged by the two married sisters of the husband of O.P.No.2 in Cr. Misc. No.27688 of 2025 and his mother.

12. Mr. Dwivedi Surendra, learned counsel appearing on behalf of the petitioners submitted that once the complainant has arrived at a compromise as has been recorded in order dated 09.05.2025 and 07.07.2025 passed in Cr. Misc. No.51712 of 2023, pursuant to which the petitioner has paid the agreed amount through Demand Draft of Rs.12.50 lakh. As such, no question remains for payment of the maintenance amount. From perusal of the records.

13. I find that at no point of time any objection was ever raised in respect of the payment of maintenance amount. The same had been considered by this Court while hearing all the above three Criminal Miscellaneous petitions, which have been filed under Section 482 of Cr.P.C.

14. In view of the fact that from the very beginning the efforts to reconcile was taken which resulted into payment of a sum of Rs.12-16 lakh to the complainant (OP No.2) as recorded vide order dated 09.05.2025 passed in Cr. Misc.



No.51712 of 2023, the said amount is required to be adjusted with the permanent alimony and at the same time O.P.no.2 has claimed to return the golden jewellerys. In such circumstances, keeping the present application pending would not be in the interest of both the parties.

15. In such circumstances, after arriving to a settlement and pendency of Divorce Case No.1205 of 2025 filed by the complainant on 15.09.2025, this Court finds that keeping the criminal cases pending before the learned District Court will only lead to abuse of process of law. The order dated 10.05.2022 passed by the learned Sub-Divisional Judicial Magistrate, Patna in Complaint Case No.900(C) of 2022 and order dated 04.01.2024 passed in Domestic Violence Case No.100 of 2022 by the learned Judicial Magistrate Ist Class, Patna are hereby set aside and quashed.

16. According the above Criminal Applications are disposed of.

17. The Interlocutory Application, if any, shall also stand disposed of.

(Purnendu Singh, J)

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