

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56007 of 2019

Arising Out of PS. Case No.-511 Year-2018 Thana- GARDANIBAG District- Patna

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Jitendra Kumar @ Jeetu, S/o P.M. Meena, R/o House No. 38, Gali No. 02, Shahbad Extension, Rohini Sector-17,P.O. and P.S.- Rohini Sector-15, Dist-North- West Delhi-110089

... .. Petitioner/s

Versus

1. The State of Bihar
2. Himanshi Priya Sinha, D/o K.R. Nagendra Sinha, W/O Jitendra Kumar @ Jeetu, R/o House No. 38, Gali No. 02, Shahbad Extension, Rohini Sector-17, P.O. and P.S. Rohini Sector-15, Dist- North- West Delhi-110089

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mrs. Shashi Priya, Adv. Ms. Supragya, Adv. Mr. Shashank Shekhar, Adv.
For the State	:	Mr. Raj Kishore Singh, APP
For the O.P. No. 2	:	Mr. Prem Ranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 23-01-2025 At the outset, Mrs. Nivedita Nirvikar, learned senior counsel appearing for the petitioner submits that a supplementary affidavit has been filed by the petitioner with a prayer to permit her to modify the prayer made in the present petition and the said affidavit was filed on 23.12.2024 in the office and its copy is being produced before this Court for perusal.

2. The copy of the aforesaid supplementary affidavit is perused in which a prayer has been made to consider the instant petition in the light of the following prayers, in addition



to the prayer made in the main petition : -

(i) To quash/set aside the FIR arising out of Gardanibagh P.S. Case No. 511 of 2018 dated 07.11.2018, pending in the court of learned Sub-Judge XIV-cum- A.C.J.M., Patna; and/or,

(ii) To quash/set aside the Complaint Case No. 1233(C) of 2021, pending in the court of learned A.C.J.M., 1st Danapur, Patna; and/or,

(iii) To quash/set aside the Mt. Case No. 437(M) of 2021 pending before the learned Principal Judge, Family Court, Patna.

3. The petitioner's counsel's prayer to consider the present matter in the light of the aforesaid prayers is allowed.

4. Office is directed to enclose the aforesaid supplementary affidavit's hard copy on the record.

5. Learned senior counsel for the petitioner submits that as per allegations levelled by the O.P. No. 2, the petitioner and the O.P. No. 2 became friends through Facebook and started meeting each other and gradually their friendship blossomed and the O.P. No. 2 accepted her age being 17 years in the month of April 2017, hence, she has got majority in the present time. It is further submitted that the allegations levelled by the O.P. No. 2 mainly relate to sexual relation having been established by the petitioner with the O.P. No.2 on the pretext of marriage. After



filing of the instant petition, on 09.08.2023, when the present matter was taken up, both the parties (petitioner and O.P. No. 2) agreed to settle the instant matter through mediation and thereafter, the present matter was referred to Patna High Court Mediation Centre for amicable settlement and on account of the efforts of learned Mediator, the petitioner and the O.P. No. 2 arrived at an amicable settlement on certain terms and conditions which have been narrated in the agreement deed prepared in the mediation proceeding before the learned Mediator, upon which, both the parties along with their respective counsels put their signatures and in this regard, the report of the learned Mediator as well as agreement's main copy may be perused. It is further submitted by learned counsel that in the present time, the petitioner and the O.P. No. 2 are husband and wife and they have accepted their marital relationship in the agreement deed prepared before the learned Mediator and both have decided to continue their conjugal life as husband and wife in future and have also agreed to withdraw the cases pending in between them which have been lodged by them against each other, of which details has been mentioned in the agreement deed.

6. Mr. Prem Ranjan Kumar, learned counsel appearing



for the O.P. No. 2 accepts the aforesaid submissions made by petitioner's counsel.

7. Heard both the sides and perused the relevant materials including the report of learned Mediator and aforesaid agreement deed prepared by both the parties before the learned Mediator. It is an admitted position that the petitioner and the O.P. No. 2 became friends through social media platform, Facebook, and at that time, the O.P. No. 2 was pursuing graduation course from Bharti College, Delhi University and the petitioner had completed his engineering course and the O.P. No. 2 accepted her meetings with the petitioner on different occasions between September, 2017 and May, 2018. Though as per allegation, during that period the petitioner established sexual relationship with the O.P. No. 2 on the pretext of marriage but surprisingly the O.P. No. 2 did not take any step to initiate any legal proceeding against the petitioner and remained silent on that matter and when the petitioner allegedly denied to perform marriage with the O.P. No. 2 and accepted his relation with other girls only then the O.P. No. 2 proceeded to lodge the FIR. Though the circumstances narrated by the informant (O.P. No. 2) in the FIR suggest that the petitioner got the consent of the O.P. No. 2 while establishing sexual relationship with her on



the pretext of marriage, however, in the present time, both have entered into marital relationship and solemnized marriage and want to continue their conjugal life in future and they have also agreed to withdraw all the cases pending against each other filed by them, so, in view of this development putting the petitioner to face trial for the alleged offences punishable under sections 376 and 493 of IPC will be complete harassment to him and further, will frustrate the terms and conditions of the aforesaid settlement/compromise, as such, the entire proceeding relating to prosecution having arisen in connection with Gardanibagh P.S. Case No. 511 of 2018, of which the cognizance order has been challenged, is hereby quashed and the present petition stands allowed to the said extent. It is expected from both the parties to comply with the terms and conditions of their abovementioned agreement at the earliest.

(Shailendra Singh, J)

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