

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70783 of 2024

Arising Out of PS. Case No.-34 Year-2020 Thana- MAHILA P.S. District- Patna

1. Aman Avinash Son of Sri Gopal Jha Village- Benipur (Near L.I.C. Office), P.S.- Bahera, District- Darbhanga
2. Gopal Jha Son of Late Bindeshwar Jha Village- Benipur (Near L.I.C. Office), P.S.- Bahera, District- Darbhanga
3. Prabha Jha wife of Sri Gopal Jha Village- Benipur (Near L.I.C. Office), P.S.- Bahera, District- Darbhanga

... .. Petitioners

Versus

1. The State of Bihar
2. Mrs. Priyambada wife of Aman Avinash R/O-D.N.R. Apartment No.- 305, 70 feet Bypass, 35 feet Road, Vishunpur Pakri, Ps- Beur, Town District-Patna

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjay Parasmani, Advocate Mr.Maruth Nath Roy, Advocate
For the State	:	Mr.Md. Aslam Ansari, APP
For the O.P. No.2	:	Mr.Pankaj Kumar Sinha, Advocate Mr.Rajiv Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 14-05-2025

Heard Mr. Sanjay Parasmani, learned counsel appearing for the petitioners and Md.Aslam Ansari, learned A.P.P. for the State duly assisted by Mr. Pankaj Kumar Sinha, learned counsel for the opposite party no. 2.

2. The present application has been filed as to quash the order dated 06.06.2024 passed by learned Judicial Magistrate - 1st Class, Patna in Mahila P.S. Case No. 34 of 2020 (G.R. No. 1722/2020), whereby learned Magistrate has



taken cognizance against the petitioners under sections 498A/504/506/34 of the Indian Penal Code and section 3/4 of Dowry Prohibition Act and transferred the case to the court of learned S.D.J.M., Patna for trial and disposal.

3. The brief facts of the case is that one Priyambada/O.P.No.2, while submitting her written information to the Mahila Police Station, stated that her marriage was solemnized with Aman Avinash (petitioner no.1) on 16.04.2018 in Patna and when she filed application for registration of marriage, her husband did not turned up to do the same due to non-fulfillment of demand of dowry. It is alleged that O.P. No. 2, while came to her matrimonial home, subjected to mental torture and a demand was raised for Rs.20 Lakhs as dowry. On 08.05.2019, at the instance of her husband, O.P. No. 2 went to Singapore, where he was in job, but at the instance of her mother-in-law, her husband started torturing her and also demanded money. The informant/O.P. No. 2 further alleged that on 08.05.2019, she returned to India, where after intervention of common relative, mediation took place, but thereafter she was again tortured by her in-



laws members and thereafter she was ousted from her matrimonial home.

4. In the aforesaid background of the case, a First Information Report was registered as Phulwarisharif (Mahila) P.S. Case No. 34 of 2020 for the offence punishable under Sections 498A, 504, 506 & 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act, where police after investigation submitted charge-sheet vide Charge-Sheet No. 185/2023 dated 31.12.2023 under section 498A/504/506/34 of the I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act.

5. Earlier, on 06.05.2025, it was jointly submitted before this Court that against permanent alimony of Rs. 70,00,000/- matter was compromised between the parties with condition that parties will withdraw all criminal cases pending against them and also cooperate in for expeditious disposal of divorce case under mutual consent.

6. In view of the aforesaid submission, parties were directed to file joint affidavit in terms of order dated 06.05.2025.



7. Taking reference of joint affidavit as filed on behalf of petitioner no. 1 and opposite party no. 2, it is submitted by learned counsel for the parties that the present affidavit is being filed to resolve all the disputes pending between the parties, which as as under:

(i) Mahila P.S. Case No. 34/2020 dated 01.03.2020 (G.R. No. 1722/2020) whereby and whereunder cognizance has been taken against the petitioners under sections 498A, 504, 506 & 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act, for which Cr. Misc. No. 70783/2024 has been filed.

(ii) Complaint Case No. 7153(C)/2023 dated 01.08.2023 pending before Judicial Magistrate-I Class, Patna namely, Ms. Ankita Raj, whereby and whereunder cognizance has been taken against the petitioners under section 500 and 120(B) of the IPC for which Cr. Misc. No. 26939 of 2025 has been filed.

(iii) Maintenance Case No. 49/2020 on 07.02.2020 before the Principal Judge, Family Court, Patna.

(iv) Matrimonial Case No. 261/2023 on 28.02.2023 before the Principal Judge, Family Court, Patna for dissolution of marriage u/s 13(i)(i-a)(i-b) of the Hindu Marriage Act, 1955.

8. Learned counsel further pointed out that petitioner no. 1/husband has also agreed to make payment of Rs. 70 Lakhs to the O.P. No. 2 as full and final settlement for



resolution/compromise and thereafter no claim would be entertained. Learned counsel of petitioner no. 1 submitted that the amount, as aforesaid i.e. Rs. 70 Lakhs would be paid to O.P. No.2 in the following manner:

(i) Rs. 25 Lakhs will be paid by account payee cheque on 08.05.2025 in the Account No. 20192094068, IFSC Code – SBIN0015996, State Bank of India, Pushpa Bhawan, Mithapur, Chanakya National Law University in the name of opposite party no. 2.

(ii) Both the parties would file divorce under mutual consent under section 13B of the Hindu Marriage Act and at that time Rs. 20 Lakhs will be paid in the bank account as mentioned above.

(iii) Third installment of Rs. 25 Lakhs would be paid at the time when the matter would finally settled i.e. second motion in the court after cooling off period.

9. Learned counsel for the petitioners also assured to this Court that next two payments shall be made through bank draft or shall directly transfer in the bank account of the opposite party no. 2.

10. In view of the aforesaid facts and circumstances and taking note of the fact as both sides i.e. petitioner no. 1 and opposite party no. 2 have decided to compromise all the



issues as discussed aforesaid, the cognizance order 06.06.2024 with all its consequential proceedings *qua* petitioners pending before the learned S.D.J.M, Patna/concerned court, in connection with Mahila P.S. Case No. 34/2020 (G.R. No. 1722/2020) stands set-aside/ quashed, with a direction to the learned Family court, Patna, to proceed expeditiously with divorce case and dispose of the same at its earliest, in accordance with law by getting same convert into case under mutual consent under section 13-B of the Hindu Marriage Act, 1956.

11. In view of aforesaid, Complaint Case No. 7153(C) of 2023 and Maintenance Case No. 49 of 2020 are also quashed/set-aside to secure the ends of justice.

12. Accordingly, this application stands allowed with aforesaid directions.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2025
Transmission Date	17.05.2025

