

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70606 of 2024

Arising Out of PS. Case No.-200 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

Vipul Jagnani S/o Late Pravin Jagnani Resident of village - City Center
Apartment Near Punjab National Bank, P.S.- Patna City, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari W/o Vipul Jagnani, D/o Suresh Sarraf R/o vill - Shri Narayani Collection, New Sadak Chowk, Near Marwari School, P.S. - Patna City, Distt. - Patna, Present Address - Guljarbagh, ward no. 20, Madhepura, P.S. - Madhepura, Distt - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr. Advocate Mr.Kumar Rajdeep, Advocate Mr.Saroj Choudhary, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-10-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel

along with Mr. Kumar Rajdeep and Saroj Choudhary, learned

counsels appearing on behalf of the petitioner and Mr. Ashok

Kumar Singh, learned APP for the State.

2. The present application has been filed for quashing
the order dated 18.07.2022 passed by the learned Sub-
Divisional Judicial Magistrate, Madhepura in Complaint Case
no.200 of 2022, by which cognizance of the offences has been
taken under Sections 323, 341, 498(A), 504/34 of the Indian
Penal Code and Sections 3/4 of the D.P. Act against the



petitioner, who is the husband of OP No.2.

3. At the very outset, it is informed by the learned counsels appearing on behalf of the respective parties that an application under Section 13B of the Hindu Marriage Act, 1955 has jointly been filed by the O.P. No.2 namely Shalini Kumari and her husband namely Vipul Jagnani before the Principal Judge, Madhepura on 09.06.2025 for mutual dissolution of their marriage on certain terms and conditions and the same has been disposed of *vide* order dated 02.09.2025. Learned counsel, in this view, submitted that no case is made out against the petitioner and the entire criminal proceeding in connection with Complaint Case no.200 of 2022 is fit to be set aside and quashed in light of the law laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in (2003) 4 SCC 675; **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303; **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.** reported in (2013) 4 SCC 58 and **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in (2014) 9 SCC 653.

4. In view of the application jointly filed under Section 13B of the Hindu Marriage Act, 1955 by the O.P. No.2 namely Shalini Kumari and her husband namely Vipul Jagnani



before the learned Principal Judge, Madhepura on 09.06.2025, for mutual dissolution of their marriage on certain terms and conditions and the same having been disposed of *vide* order dated 02.09.2025, I find that in light of the law laid down by the Apex Court, as discussed hereinabove, continuation of the criminal proceeding against the petitioner will be abuse of process of law.

5. Accordingly, entire proceeding in connection with Complaint Case no.200 of 2022 and also the cognizance order dated 18.07.2022 passed by the learned Sub-Divisional Judicial Magistrate, Madhepura are **set aside and quashed** subject to verifying the above information.

6. The quashing application stands disposed of.

7. Interlocutory application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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