

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74010 of 2024

Arising Out of PS. Case No.-97 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

1. Vikash Choudhary, Son of Umesh Narain Choudhary @ Umesh Chaudhary Resident of G-5, D.G.M.S. Colony, Police Line, Hirapur, Near I.S.M. Gate, P.S. -Dhanbad, District -Dhanbad (Jharkhand).
2. Umesh Narain Choudhary @ Umesh Chaudhary Son of Late Ram Kailash Choudhary, Resident of G-5, D.G.M.S. Colony, Police Line, Hirapur, Near I.S.M. Gate, P.S. -Dhanbad, District -Dhanbad (Jharkhand).
3. Arti Devi, Wife of Umesh Narain Choudhary @ Umesh Chaudhary Resident of G-5, D.G.M.S. Colony, Police Line, Hirapur, Near I.S.M. Gate, P.S. -Dhanbad, District -Dhanbad (Jharkhand).
4. Rima Kumari D/O- Umesh Narain Chaudhary @ Umesh Chaudhary Resident of G-5, D.G.M.S. Colony, Police Line, Hirapur, Near I.S.M. Gate, P.S. -Dhanbad, District -Dhanbad (Jharkhand).
5. Vishal @ Vishal Chaudhary @ Vishal Kumar Choudhary Son of Umesh Narain Chaudhary @ Umesh Chaudhary Resident of G-5, D.G.M.S. Colony, Police Line, Hirapur, Near I.S.M. Gate, P.S. -Dhanbad, District -Dhanbad (Jharkhand).
6. Sima Kumari @ Sima Chaudhary D/O- Umesh Narain Chaudhary @ Umesh Chaudhary, Wife of Bharadwaj Narayan Chaudhary Resident of Mauza Daltonganj, P.S.- Daltonganj, Distt.- Jharkhand at present residing at RIMS Hospital, Ranchi, P.S.- Ranchi, Distt.- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anshu Kumari Wife of Vikash Chaudhary Resident of Loknath Bhwan, Master Para, Bank Colony, Hirapur, P.S.- Dhanbad, Distt.- Dhanbad (Jharkhand), at Present Reside with Her Father Namely Lalan Mistri Chaudhary, R/O- Ward No. 13, Gandhi Nagar Bhabua, P.S.- Bhabua, Distt.- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the O.P. No. 2	:	Ms. Kiran Kumari Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 25-07-2025

Heard learned counsel appearing on behalf of the

parties.



2. Both parties appeared in person.

3. The present application has been preferred by the petitioners for quashing the entire Criminal Proceedings including order taking cognizance dated 01.04.2021 passed by learned A.C.J.M., VI, Kaimur at Bhabhua, through which cognizance was taken against petitioners for the offences punishable under Sections 149, 323, 498(A), 313 of the Indian Penal Code read with Section 3/4 of Dowry Prohibition Act, arising out of Complaint Case No. 97/2021.

4. Case of prosecution, speaks in brief, that informant/opposite party no. 2 and petitioner No.1 solemnized their marriage on 19/11/2019 according to Hindu Rites and Rituals. After marriage, father of the opposite party no. 2 gifted Rs. 6 lakhs in cash, one lakh for motorcycle, Rs. 50,000/- for gold ring & chain, and Rs. 1.5 lacs for other items. Mother of the complainant/informant was also gifted her Jewelry and cloths of Rs. 1 lakh at the time of "**vidai**", despite of same one alto car was demanded as dowry, but anyhow the matter was settled and "**vidai**" took place, whereafter complainant was taken to his matrimonial house at Dhanbad. It is further alleged that all petitioners were continuously torturing the complainant for alto car and when she became pregnant the accused persons/petitioners



aborted her against will, whereafter informant left her matrimonial home and came to Bhabhua (parental home) and when complainant alongwith her father and brother went to Dhanbad, accused persons/petitioners did not allowed her to enter into the house, whereafter complainant returned back to Bhabhua and filed this complaint case on 25/01/2021 before the learned court of C.J.M., Bhabhua.

5. Mr. Subodh Kumar Jha, learned counsel appearing for petitioners submitted that parties amicably resolved their issues and decided to dissolve their marriage by way of mutual consent. Without exploring the avenue of merits as available to the petitioners, it is straightway submitted that the matter between the parties now stands compromised, where both parties decided to dissolve their marriage under mutual consent as provisioned under 13B of the Hindu Marriage Act, against the permanent alimony of Rs. 6,40,000/- (Rs. Six lacs forty thousand). Earlier Original Suit No. 08 of 2021 was filed before the Principal Judge, Family Court, Dhanbad, which was later on transferred to the court of learned Principal Judge, Family Court, Kaimur at Bhabhua, bearing Matrimonial (Divorce) Case No. 266 of 2024, which was dismissed for want of prosecution on 19.07.2025.

6. Balance amount of Rs. 1,40,000/- paid to opposite



party no. 2, namely Anshu Kumari, in presence of her learned counsel Ms. Kiran Kumari Sharma, through bank draft no. 979446 dated 24.07.2025 drawn on Canara Bank, Dhanbad, Jharkhand. As such, opposite party no. 2 received total amount of Rs. 6, 40,000/- (Six lakh & forty thousand only) agreed between the parties. Parties already resolved to dissolve their marriage by way of mutual consent.

7. At this stage, Ms. Kiran Kumari Sharma, learned counsel made statement at bar that the criminal miscellaneous case filed before this Court, which is numbered as Cr. Misc. No. 15940/2025 for cancellation of bail as granted to petitioners shall be withdrawn on the very next date of hearing. It is submitted that in view of compromise, she has no objection to quash proceedings of cases, which is as under:-

1. Sessions Trial No. 261 of 2023 arising out of complaint case no. 97 of 2021 passed by the learned A.C.J.M. 6, Kaimur at Bhabhua, where cognizance was taken against petitioners under Sections 149, 323, 498(A), 313 of the Indian Penal Code read with Section $\frac{3}{4}$ of the Dowry Prohibition Act and is pending before the court of learned A.D.J. 1st, Kaimur at Bhabhua.

2. Maintenance Case No. 31 of 2022 (Anshu Kumari Vs. Vikash Choudhary & Anr.),



pending before the court of Learned Principal Judge Family Court, Kaimur at Bhabua.

3. Domestic Violence Case No. 28 of 2022 (Anshu Kumari Versus Vikash Choudhary & Ors), pending in the court of Learned SDJM, Kaimur at Bhabua.

4. Complaint Case No. 696 of 2022, (Lalan Mistri @ Lalan Chaudhari Versus Bhardwaj Narain Choudhary and Ors), pending in the court of Learned JM, 1 Class, Kaimur at Bhabua. Complainant is the father of opposite party no. 2.

5. Complaint Case No. 661 of 2022, (Anshu Kumari Versus Umesh Choudhary & Ors), pending in the court of Learned SDJM, Kaimur at Bhabua.

6. Cr. Rev. No. 110/2022, (Anshu Kumari Versus The State of Bihar & Ors), pending in the court of learned ADJ,3rd, Kaimur at Bhabua.

7. Cr. Misc. No. 08/2022 (Lalan Mistri Lalan Chaudhari versus The State of Bihar and Ors), pending in the court of Learned CJM, Kaimur at Bhabua filed by father of opposite party no. 2 against petitioners.”

8. It is further submitted that petitioners be directed to cooperate for disposal of complaint case no. 5758 of 2022, which is pending in the court of learned J.M. 1st Class, Dhanbad.

9. In view of aforesaid factual and legal submission and



by taking note of fact as parties settled their issues and differences by way of amicable settlement, where they decided to dissolve their marriage under mutual consent against permanent alimony of Rs. 6,40,000/-(Rs. Six lacs forty thousand), which has already been received by opposite party no. 2, accordingly, continuing with present criminal proceedings before the learned Trial Court would only amount to abuse of the process of court of law.

10. Both parties are directed to file fresh application under Section 13B of the Hindu Marriage Act for mutual divorce before learned Principal Judge, Kaimur at Bhahua in view of compromise, and learned Principal Judge is directed to dispose the petition of mutual divorce as preferred, preferably within six months from the date of its filing.

11. In view of aforesaid, it is submitted by learned counsel that continuing with present criminal proceeding *qua* petitioners before learned trial court would only amount to abusing the process of court of law, and, therefore, same be quashed.

12. In view of aforesaid legal and factual submission and also by taking note of the fact as parties settled their issues, where petitioner no. 1 paid maintenance Rs. 6.4 lacs by way of permanent alimony to O.P. No. 2 and also decided to dissolved their marriage by way of mutual divorce, accordingly, continuing



with the present proceeding before the learned trial court would only amount to abuse of the process of the court.

13. Accordingly, as parties settled amicably their disputes and differences as discussed aforesaid, proceedings of entire Criminal Proceedings including order taking cognizance dated 01.04.2021 passed by learned A.C.J.M., VI, Kaimur at Bhabhua in Complaint Case No. 97/2021, which is the basis of S.T. No. 261/2023 as well as six cases and proceedings arising thereof which are mentioned above i.e. (i) Maintenance Case No. 31 of 2022, pending in the court of Learned Principal Judge Family Court, Kaimur at Bhabhua. (ii) Domestic Violence Case No. 28 of 2022, pending in the court of Learned SDJM, Kaimur at Bhabhua. (iii) Complaint Case No. 696 of 2022, pending in the court of Learned JM, 1 Class, Kaimur at Bhabhua. (iv) Complaint Case No. 661 of 2022, pending in the court of Learned SDJM, Kaimur at Bhabhua. (v) Cr. Rev. No. 110/2022, pending in the court of learned ADJ, 3rd, Kaimur at Bhabhua. (vi) Cr. Misc. No. 08/2022, pending in the court of Learned CJM, Kaimur at Bhabhua *qua* petitioners are hereby quashed/set-aside to secure ends of justice by exercising power under Section 482 of Cr.P.C. **Except, Complaint Case No. 5758 of 2022**, which is pending in the court of learned J.M. 1st Class, Dhanbad.



14. Besides aforesaid, in view of undertaking, opposite party no. 2 is directed to take appropriate steps for withdrawal of Cr. Misc. No. 15940/2025, which is pending before this Court for cancellation of bail of the petitioners.

15. Accordingly, present quashing petition stands allowed.

16. Let a copy of this judgment be sent to all concerned learned trial courts/concerned courts, forthwith.

(Chandra Shekhar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	30.07.2025

