

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1974 of 2024

Arising Out of PS. Case No.-65 Year-2017 Thana- DOMESTIC VIOLENACE District- Patna

SIMANT KUMAR S/O, Rajendra Prasad , Residing at mohalla -
maurya vihar, Near Loha Factory , P.S. Phulwari Shariff, District patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Priyanka Kumari Sinha D/O Sri Harendra prasad Presently Residing
at- chayakunj Apartment Ground Floor Flat No. 101, Ashokpuri
Chaurah , Khajpura P.S. Rajiv Nagar, Patna resident of mohalla -
Bekbanwa, P.O. And P.S.- Motihari, District East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Abhimanyu Deo, Advocate

For the O.P. No.2 : Mr.Ranjan Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 04-02-2025

Heard learned counsel for the petitioner and
Mr.Ranjan Kumar Sinha, learned counsel appearing on behalf
of the opposite party no. 2.

2. This application has been filed for quashing of the
entire proceeding arising out of Domestic Violence Case No.
65 of 2017, filed under Section 12 of the Domestic Violence
Act, against the petitioner and other accused persons,
pending before the learned A.C.J.M.- III, Patna Sadar, Patna.

3. It is submitted by learned counsel appearing for



the petitioner that the matter has been compromised between the parties and in furtherance of said compromise Fulwarisharif P.S. Case No. 687 of 2016 arising out of G.R. No. 7196/2016 registered under Section 498(A) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, was quashed by this Court through Cr. Misc. No. 47574 of 2022 dated 18.08.2023.

4. It is further submitted by learned counsel that the marriage between the parties was dissolved by mutual consent through Matrimonial Case No. 425/2019 as passed by learned Principal Judge, Family, Court, Patna.

5. It is pointed out by learned counsel that now all issues have been settled between the parties, therefore, continuing with the present proceeding, which is arising out of Domestic Violence Case No. 65 of 2017, would amount to abuse of the process of the court.

6. The aforesaid facts approved by Mr. Ranjan Kumar Sinha, learned counsel appearing for the opposite party no. 2.

7. At this stage, learned counsel for the petitioner



submitted that four different cheques, total amounting of Rs. 1,00,000/-, was deposited by the petitioner in favour of opposite party no. 2 before the learned trial court. The date of which has now been expired and same requires re-validation. It is submitted that still the petitioner desirous to pay Rs. 50,000/- to opposite party no. 2. The same was not objected by learned counsel appearing for the O.P. No. 2.

8. In this regard, an amount of Rs. 50,000/- (Rupees Fifty Thousand) vide Bank Draft No. 140839 dated 30.01.2025, issued from Bank of Baroda, has been handed over to learned counsel for the O.P. No. 2 before the Court itself and copy of same was also taken on record.

9. Learned counsel for the O.P. No. 2 submitted that now no more dispute survives between the parties and he has no objection to the present petition.

10. In view of aforesaid, learned trial court/court concerned is directed to return all expired cheques, which submitted to be available with the Trial Court Records, to the petitioner in accordance with rule.

11. In view of the aforesaid compromise and as the



core issues already settled between the parties, continuing with the present proceeding before the learned trial court would only amount to abuse of the process of the court.

12. Accordingly, present proceeding, arising out of Domestic Violence Case No. 65 of 2017, pending before learned A.C.J.M.-III, Patna, stands quashed/set-aside *qua* petitioner.

13. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2025
Transmission Date	04.02.2025

