

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85719 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Rana Vishwa Pratap Singh S/o Ashok Kumar Singh Resident of Village-
Asana, P.S.- Maniyar, District- Balia (U.P.). At present resident of Manav
Niketan Gandhinagar, P.S.- Kotawali Balia, District- Balia (U.P.).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Karuna Kumari W/o Rana Vishwa Pratap Singh, D/o Kunwar Singh
Resident of Manv Niketan Gandhinagar Balia, P.S.- Kotawali Balia. At
present resident of Gajadharganj, P.S.- Buxar Nagar, District- Buxar (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Mishra, Advocate
For the O.P. No. 2	:	Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-12-2025

Heard Mr. Subhash Kumar Mishra, learned counsel
appearing on behalf of the petitioner; Mr. Umesh Lal Verma,
learned APP for the State and Mr. Mukesh Kumar, learned
counsels appearing on behalf of the O.P. No.2.

2. The petitioner has preferred application under
Section 482 Cr.P.C. for quashing of Complaint Case No. 138 (C)
of 2018 as well as, order taking cognizance dated 09.08.2019
passed by the learned Sub-Divisional Judicial Magistrate,
Buxar in Complaint Case No. 138 (C) of 2018, by which
cognizance of the offences has been taken under Sections
498(A) of the Indian Penal Code and Section 4 of the D.P. Act.



3. At the 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 Karuna Kumari and her husband (petitioner) namely Rana Vishwa Pratap Singh before the Principal Judge, Buxar on 21.03.2025 for mutual dissolution of their marriage on certain terms and conditions and the same has been disposed of *vide* order dated 02.04.2025. 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. 138 (C) of 2018 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 Karuna Kumari and her husband (petitioner) namely Rana Vishwa Pratap Singh before the Principal Judge, Buxar on



21.03.2025 for mutual dissolution of their marriage on certain terms and conditions and the same has been disposed of *vide* order dated 02.04.2025, I find that in light of the law laid down by the Apex Court, as referred 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. 138 (C) of 2018 and also the cognizance order dated 09.08.2019 passed by the learned Sub-Divisional Judicial Magistrate, Buxar are hereby quashed and set aside.

6. The quashing application stands disposed of.

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

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	18.12.2025
Transmission Date	18.12.2025

