

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7977 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Munger

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Rajan Anand Son of Late Ambar Kumar Sinha, Resident of Flat no 304
Ambuj Tower, Hanuman Path, Mohalla PS Tilka Manjhi, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pragati Mitra Wife of Ranjan Anand, Resident of Flat no. 304, Ambuj Tower, Hanuman Path, Mohalla P.S.- Tilka Manjhi, District- Bhagalpur, At present D/O- Sri Purushotam Kumar Mitra, Resident of Shastrinagar, Road No. 9, P.S.- Kasimbazar, District- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Roona, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-09-2025 Heard Ms. Roona, learned counsel appearing on

behalf of the petitioner and Mr. Upendra Kumar, learned A.P.P.

for the State.

2. At the outset, learned counsel appearing on behalf
of the petitioner seeks to make necessary correction in
paragraph no. 1 and prayer portion of the bail application.

3. Permission is accorded.

4. The present application has been filed for quashing
the order dated 21.12.2022 passed by the learned S.D.J.M.,
Munger in Mahila P.S. Case no. 16 of 2022, by which
cognizance of the offences has been taken under Sections 498A
of the Indian Penal Code and Section 4 of the D.P. Act.



5. Learned counsel appearing on behalf of the petitioner informs that the parties have arrived at a mutual settlement and the petitioner has agreed to give a lumpsum amount of Rs. 12,50,000/- to the informant, who is his wife. Learned counsel further informs that an application under Section 13B of the Hindu Marriage Act, 1955 has jointly been filed by the petitioner (husband) and the opposite party no. 2 (wife) before the learned District Court for mutual dissolution of their marriage on certain terms and conditions, however, the same is pending. Learned counsel, in this view, submitted that no case is made out against the petitioner and the entire criminal proceeding in connection with the aforesaid case 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**.

6. In view of the application jointly filed under Section 13B of the Hindu Marriage Act, 1955 by the petitioner (husband) and the opposite party no. 2 (wife) before the learned



District Court for mutual dissolution of their marriage on certain terms and conditions, which is pending, 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.

7. Accordingly, entire proceeding in connection with Mahila P.S. Case no. 16 of 2022 and also the cognizance order dated 21.12.2022 passed by the learned Sub-Divisional Judicial Magistrate, Munger are set **aside and quashed**.

8. The quashing application stands disposed of.

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

(Purnendu Singh, J)

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