

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13529 of 2016

Arising Out of PS. Case No.-3170 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Nazma Khatoon @ Nazni Khatoon Daughter of Md. Nayeemuddin
 2. Md. Nayeem @ Nayeemuddin, Son of Abdul Ajib
 3. Mustari @ Mustari Khatoon, wife of Nayeemuddin
 4. Md. Shahadat Son of Nayeemuddin @ Md Nadiuddin
 5. Md. Bashir, Son of Late Md. Ali
 6. Md. Rustam, Son of Late Md. Ghani All resident of Village- Dumri-Biro, P.S.- Muffasil, District- Begusarai.
 7. Md. Mukhtar Alam @ Md. Mukhtar Rayeen, Son of Late Md. Jagir
 8. Abdul Sattar @ Buchchu, Son of Late Md. Zamir, Both resident of Phulwaria-2, Ward No.2, P.S.- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Abdul Jabbar Son of Late Md. Salamat Miyan, Resident of Phulwaria, Ward No.-2, P.S.- Phulwaria, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 13-02-2026 At the outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.6, Md. Rustam on account of his death.

2. Permission as sought above is granted, and the instant application stands dismissed as withdrawn, being infructuous with respect to petitioner no. 6. In respect of the other petitioners, the instant application has been filed under Section 482 of the Code of Criminal Procedure (in short, “Cr.P.C.”), challenging the order dated 03.02.2016 passed in Complaint Case No. 3170C of 2015 by



the learned Judicial Magistrate, Begusarai, whereby cognizance of the offences punishable under Sections 323 and 379 of the Indian Penal Code (in short, “IPC”) has been taken. In the instant application, the petitioners have prayed for quashing the said order.

3. Learned counsel for the petitioners submits that petitioner no. 1 is the wife of O.P. no. 2. Petitioner no. 1 had filed Complaint Case No. 2892C of 2015 alleging cruelty under Section 498A of the IPC against her husband (O.P. no. 2 herein) and her other in-laws. In retaliation, O.P. no. 2 filed the complaint in which the impugned order was passed. However, due to efforts made by well-wishers, both parties entered into a compromise and decided to have their cases disposed of in terms of the said compromise. Accordingly, the case filed by petitioner no. 1 has been disposed of, resulting in the acquittal of O.P. no. 2 and others. A copy of the compromise petition has been filed before this Court by way of a supplementary affidavit. Learned counsel further submits that the judgment passed in Complaint Case No. 2892C of 2015, which is being produced before this Court, clearly shows that on account of restoration of conjugal relations between petitioner no. 1 and O.P. no. 2, the said complaint case was decided. It is lastly submitted that the petitioners’ case could not be proceeded with earlier on account of the proceedings having been stayed by this Court.



4. No one appears on behalf of O.P. no. 2.

5. Learned APP appearing for the State does not oppose the prayer made by the petitioners in the present application in the light of the said compromise, as good relations have been restored between petitioner no. 1 and O.P. no. 2.

6. Considering the aforesaid submissions and taking into account the fact that cordial relations have been restored in between petitioner no. 1 and O.P. no. 2, the continuance of the criminal proceedings initiated against the petitioners pursuant to the cognizance order would amount to an abuse of the process of the Court and would cause unnecessary harassment to the petitioners. Accordingly, the impugned order taking cognizance of the alleged offences against the petitioners, as well as the subsequent criminal proceedings initiated pursuant thereto, are hereby set aside/quashed. Accordingly, the instant petition stands disposed of.

(Shailendra Singh, J)

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