

(2022) 07 JH CK 0005

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1790 Of 2021

Amruddin Ansari And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 06-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 07 JH CK 0005

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sudhansu Kumar Deo, Prabhu Dayal Agrawal, Shahid Yunus

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Sudhansu Kumar Deo, learned counsel for the petitioners, Mr. Prabhu Dayal Agrawal, learned counsel for the State and Mr. Shahid Yunus, learned counsel for opposite party no.2.

2. This petition has been filed for quashing the entire criminal proceeding including the First Information Report in connection with Madhupur P.S. Case No.411 of 2015, dated 02.11.2015, corresponding to G.R. Case No.1004/2015, and also for quashing the order taking cognizance dated 31.08.2017, pending in the court of the learned Sub-Divisional Judicial Magistrate, Madhupur.

3. Mr. Sudhansu Kumar Deo, learned counsel for the petitioners submits that petitioner nos. 1, 2 and 3 are the husband, father-in-law and mother-in-law of opposite party no.2. He further submits that this case is arising out of matrimonial dispute and remedy of anticipatory bail was being availed and the matter was referred to the District Legal Services Authority (DLSA) at Deoghar wherein both the parties have compromised the case. He also submits that joint compromise petition was filed in the anticipatory bail petition before the court below showing the terms and conditions of the settlement. He further submits

that this fact has been brought before the learned court, however cognizance has been taken against the petitioners.

4. Mr. Shahid Yunus, learned counsel for opposite party no.2 has appeared and he accepts the submissions of the learned counsel for the petitioners. He further submits that that entire terms and conditions of settlement has been fulfilled. However, he submits that one case has been filed by petitioner no.1 at Jamui, Bihar against opposite party no.2, which is required to be withdrawn by petitioner no.1.

5. Mr. Sudhansu Kumar Deo, learned counsel for the petitioners submits that the case pending at Jamui, Bihar shall be withdrawn by petitioner no.1. He submits that this is being submitted by him on instruction and undertaking of petitioner no.1.

6. Mr. Shahid Yunus, learned counsel for opposite party no.2 submits that since the undertaking is there, this matter may be allowed.

7. In view of the above facts and considering the submissions of the learned counsel for the parties, it appears that it is a case of matrimonial dispute and both the parties have compromised the matter. The joint compromise petition has been filed in the anticipatory bail petition before the court below as well as in the concerned court where the case is pending. Learned counsel for opposite party no.2 has accepted that entire terms and conditions of the settlement has been fulfilled except one case which was filed by petitioner no.1 against opposite party no.2 at Jamui, Bihar. However, the undertaking for withdrawal of that case has been given by petitioner no.1. There is no societal interest involved in this matter and to allow to continue the case in the court below, will amount to abuse of process of law.

8. In view of the aforesaid facts and further looking to the judgments passed by the Hon'ble Supreme Court in the case of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and in the case of Narinder Singh & Ors. Versus State of Punjab & Anr., reported in (2014) 6 SCC 466, it is a fit case to exercise power under Section 482 Cr.P.C. Accordingly, the entire criminal proceeding including the First Information Report in connection with Madhupur P.S. Case No.411 of 2015, dated 02.11.2015, corresponding to G.R. Case No.1004/2015 as well as the order taking cognizance dated 31.08.2017, pending in the court of the learned Sub-Divisional Judicial Magistrate, Madhupur, Deoghar are, hereby, quashed.

9. Consequently, this petition stands allowed and disposed of.

10. Interim order dated 04.02.2022 stands vacated.