

(2020) 01 PAT CK 0184

In the Patna High Court

Case No : Criminal Miscellaneous No. 84769 Of 2019

Md. Kaimuddin

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 498A

Citation : (2020) 01 PAT CK 0184

Hon'ble Judges : Rajendra Kumar Mishra, J

Bench : Single Bench

Advocate : Braj Nandan Kumar Tiwary, Nawal Kishore Prasad

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. This application, under Section 482 of the Code of Criminal Procedure, has been filed for quashing the order dated 27.09.2018 passed in Misc. No. 06 of 2007, whereby and whereunder, the learned Principal Judge, Family Court, Nalanda at Biharsharif, rejected the application of the petitioner filed on 22.02.2016 for disposing of the aforesaid case in the light of compromise petition filed before this Court in Criminal Revision No. 471 of 2012 and Criminal Revision No. 382 of 2012.
3. Learned counsel for the petitioner submits that opposite party no. 2, Sakina Khatoon, filed Complaint Case No. 163(C) of 1999 for the offence punishable under Section 498A of the Indian Penal Code against the petitioner, his father, brother and sister-in-law, in which, petitioner, his father, brother and sister-in-law were convicted on 16.08.2007 and sentenced to undergo rigorous imprisonment for two years. Thereafter, against the aforesaid Judgment and order, they preferred Criminal Appeal No. 168 of 2007/60 of 2010, which was dismissed by the court of Presiding Officer, Fast Track Court No. III, Nalanda at

Biharsharif and thereafter brother and sister-in-law of the petitioner filed Criminal Revision No. 471 of 2012 and petitioner and his father filed Criminal Revision No. 382 of 2012, which was disposed of in terms of joint compromise petition filed by the parties and the aforesaid criminal revisions were allowed acquitting the revisionist of the charges and in the light of compromise petition, the petitioner paid Rs.3,75,000/- to the opposite party no.2. Thereafter, the petitioner, who is opposite party no. 2 in Miscellaneous Case No. 06 of 2007 filed by the opposite party no. 2 in the court of Principal Judge, Family Court, Nalanda at Biharsharif for realization of arrear of maintenance filed an application on 22.02.2016 for disposing of the Misc. No. 06 of 2007 in the light of compromise petition filed in Criminal Revision No. 471 of 2012 and Criminal Revision No. 382 of 2012 but the said application has illegally been rejected by the learned Principal Judge, Family Court, Nalanda at Biharsharif through the impugned order.

4. On perusal of the compromise petition filed on 10.03.2014 in Criminal Revision No. 382 of 2012 and Criminal Revision No. 471 of 2012, while it is detailed in paragraph 4 that cordial relation has been restored between the parties and they do not want to proceed the cases and further have no grievance against each but it is not detailed in the compromise petition that Miscellaneous Case filed by the opposite party no.2 for maintenance has also been compromised in between the parties.

5. As such, I find no illegality in the impugned order for interference with same by exercising the power under Section 482 of the Code of Criminal Procedure.

6. Accordingly, this application stands dismissed.