

(2024) 06 JH CK 0057

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1237 of 2017

Rakesh Kumar Singh @ Rakesh Kumar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 27-06-2024

Acts Referred:

Citation : (2024) 06 JH CK 0057

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Bharat Kumar, Pramod Kumar Jha

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Mr. Bharat Kumar, learned counsel appearing for the petitioners and Mr. Pramod Kumar Jha, learned counsel for opposite party no.2. Nobody appears on behalf of the State on repeated calls.

2. The prayer in the petition is made for quashing of the entire criminal proceeding arising out of Deoghar (Town) Mahila P.S. Case No.289/2015, corresponding to G.R. No.769/2015, pending in the Court of the learned Chief Judicial Magistrate, Deoghar.

3. Mr. Bharat Kumar, learned counsel appearing for the petitioners submits that the dispute is arising out of matrimonial dispute and for that criminal case was instituted. He submits that at the time of deciding anticipatory bail application, the matter was sent for mediation and in the mediation, the matter has been compromised between the parties and with consent husband and wife has dissolved the marriage and mutual decree of divorce has already been granted vide judgment dated 13.07.2016 passed by the learned Family Court, Deoghar. He further submits that in view of the said compromise, one time alimony has also been paid to opposite party no.2 by petitioner no.1, who is the husband. He

submits that so far as petitioner nos. 2, 3 and 4 are concerned, they are mother-in-law, sister-in-law and brother-in-law of opposite party no.2 respectively.

4. Mr. Pramod Kumar Jha, learned counsel appearing for opposite party no.2 accepts the said submission and submits that the matter has been compromised and the marriage has been dissolved and one time alimony has also been paid.

5. In view of the above submission of the learned counsel for the parties and considering that the marriage has already been dissolved and there is no societal interest involved in the present petition, to allow to continue the proceeding will amount to abuse of process of law and, as such, the entire criminal proceeding arising out of Deoghar (Town) Mahila P.S. Case No.289/2015, corresponding to G.R. No.769/2015, pending in the Court of the learned Chief Judicial Magistrate, Deoghar is, hereby, quashed.

6. Accordingly, this petition is allowed and disposed of.

7. Pending I.A., if any, is also disposed of.

8. Interim order, if any granted by this Court, is vacated.