
(2022) 09 JH CK 0050

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2771 Of 2019

Sanjay Kumar Dubey And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 28-09-2022

Acts Referred:

Indian Penal Code, 1860 — Section 498A
Dowry Prohibition Act, 1961 — Section 3, 45
Code Of Criminal Procedure, 1973 —
Section 156(3)
Hindu Marriage Act, 1955 — Section 13B

Citation : (2022) 09 JH CK 0050

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Md. Farooque Ansari, Lily Sahay, Shailesh Kumar Singh, Rahul Kr.

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

This petition has been filed for quashing of the entire criminal proceeding arising out of Garhwa P.S. Case No.89 of 2018, G.R. Case No.412 of 2018, registered for the offence under section 498A of the IPC and section 3/ 4 of the Dowry Prohibition Act including the order taking cognizance dated 9.10.2018 pending in the court of learned Chief Judicial Magistrate, Garhwa.

The learned counsel for the petitioners submits that the complaint was filed under section 156(3) Cr.P.C for investigation and charge sheet has been submitted and pursuant thereto the learned court has taken cognizance against the petitioners. He further submits that now a good sense has been prevailed and one-time settlement has also taken place and it has been decided that one time alimony the petitioners will give to the O.P.No.2 and both the parties will file a petition under section 13B of the Hindu Marriage Act for mutual divorce. He further submits that the decree has already been passed. He submits that the compromise petition has been brought on record by way of filing supplementary

affidavit.

Mr. Shailesh Kumar Singh, the learned A.C. to Mr. Rahul Kumar, the learned counsel has appeared on behalf of the O.P.No.2 and also accepts the submissions of the learned counsel for the petitioners and submits that one time settlement has taken place and the decree of divorce has been passed. He further submits that in light of the compromise, the matter may be disposed of.

In view of the above facts and the submissions of the learned counsels appearing for the parties and also considering that divorce has been taken place and one time alimony has already been paid to the O.P.No.2 and there is no societal interest involved in this matter, and accordingly, the entire criminal proceeding arising out of Garhwa P.S.Case No.89 of 2018, G.R. Case No.412 of 2018, including the order taking cognizance dated 9.10.2018, pending in the court of learned Chief Judicial Magistrate, Garhwa is quashed and Cr.M.P. No.2771 of 2019 stands allowed and disposed of. I.A., if any, also stands disposed of. Interim order, if any, stands vacated.