

(2023) 04 PAT CK 0043
In the Patna High Court
Case No : Criminal Revision No. 1102 Of 2019

Shatrughna Kumar @ Shatrughna Prasad Gupta
Vs

APPELLANT

State Of Bihar

RESPONDENT

Date of Decision : 11-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 125
Indian Penal Code, 1860 — Section 498A

Citation : (2023) 04 PAT CK 0043

Hon'ble Judges : Dr. Anshuman, J

Bench : Single Bench

Advocate : Dinesh Jha, Ajay Kumar No.2, Uday Kumar

Final Decision : Disposed Of

Judgement

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party Nos. 2 & 3.

The present Cr. Revision Application has been filed for setting-aside the order dated 29.05.2019 whereby the petition under Section 125 of Cr.P.C. was allowed and petitioner was directed to deposit Rs.4,35,000/- as arrears of 7 years and 3 months in the account of opposite party No.2 within two month and the amount deposited by the petitioner as interim maintenance will be adjusted and also to deposit Rs.5,00,000/-in the name of opposite party No.3 and also directed the petitioner to make payment of Rs.5,000/- to opposite party No.2 and Rs.2,500/- to the opposite party No.3 by 15 of each succeeding month and also ordered for recovery of said amount from the property of petitioner, if the petitioner will failed to comply the order.

Learned counsel for the petitioner and learned counsel for opposite party Nos. 2 & 3 both submits that before the Principal Judge, Family Court a panchayati took place and a compromise was also filed. Both the parties agreed to settle this issue on payment of Rs.10,00,000/- (Rupees Ten Lacs) as full and final

settlement, so that all the cases shall be closed. It is admitted between the parties that there are in total 3 cases pending between the parties. The first case is the present case i.e. Misc. Case No. 22 of 2012/ CIS No. 293 of 2014, the second case is Execution Case No. 12 of 2019 and the third case has been lodged under Section 498(A) of I.P.C. bearing Complaint Case No. 56 of 2012.

Learned counsel for both the parties are agreed that the said Rs.10,00,000/- (Rupees Ten Lacs) shall be deposited in two installments, first installment shall be paid of Rs.8,00,000/- (Rupees Eight Lacs) through bank account which the opposite party Nos. 2 & 3 shall receive just after deposit. The another installment of Rs.2,00,000/- (Rupees Two Lacs) shall be deposited in the court which was not to be received by opposite party No. 2 & 3. Within one month of receiving the said amount of Rs.8,00,000/- (Rupees Eight Lacs) a fresh compromise petition towards closing all the three cases shall be prepared and duly executed by parties and their Advocates in triplets and it shall be filed in all the three cases i.e. Misc. Case No. 22 of 2012/ CIS No. 293 of 2014, the second case is Execution Case No. 12 of 2019 and the third case has been lodged under Section 498(A) of I.P.C. bearing Complaint Case No. 56 of 2012. Necessary affidavits shall also be made in all three cases and thereafter, the opposite party No.2 shall file an application before the Principal Judge, Family Court, Sitamarhi that she had performed her part and Principal Judge, Family Court, Sitamarhi shall release rest Rs.2,00,000/- (Rupees Two Lacs) in favour of opposite party No.2 thereafter with a direction of closing the cases pending before the Principal Judge, Family Court and for criminal cases.

Both the counsels and the parties shall do all other thing as per advise of their respective counsels, so that the said case may also be closed.

It goes without saying that petitioner is the father of opposite party No. 3 and being a prudent father, he shall do all the needful for the purpose of marriage of his daughter i.e. opposite party No.3.

With these observations, the present Cr. Revision Application stands disposed off.