

(2024) 02 JH CK 0010

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1956 Of 2018

Vikash Viswakarma And Others

APPELLANT

Vs

State Of Jharkhand And Another

RESPONDENT

Date of Decision : 01-02-2024

Acts Referred:

Indian Penal Code, 1860 — Section 498(A)
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2024) 02 JH CK 0010

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Ranjit Kumar, Achinto Sen

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi , J

1. Notice upon the O.P.No.2 has been effected, however, till date O.P.No.2 has not appeared.
2. In view of that, this petition is being heard in absence of the O.P.No.2.
3. Heard Mr. Ranjit Kumar, the learned counsel for the petitioners and Mr. Sen, the learned counsel for the respondent State.
4. This petition has been filed for quashing of the entire criminal proceeding including the order taking cognizance dated 25.06.2012 arising out of Complaint Case No.1662 of 2010, T.R. No.718 of 2012, pending in the court of learned Judicial Magistrate, First Class, Hazaribagh.
5. The learned counsel for the petitioners submits that the case is arising out of section 498(A) IPC and section 3/ 4 of the Dowry Prohibition Act. He submits that matrimonial suit was filed on 15.04.2014 before the Family Court Hazaribagh under section 13-B of Hindu Marriage Act for dissolution of marriage with consent of both the sides and the same was allowed by the judgment dated

15.05.2015 and that order was not challenged either by the parties at any higher court and that has attained finality.

6. In view of the above, it is an admitted position that decree of divorce is passed under section 13-B of Hindu Marriage Act between the petitioner no.1 and the O.P.No.2 who are husband and wife respectively and judgment of the learned Family Court is at annexure-5. The petitioner no.2 is mother in law of the O.P.No.2. In view of dissolution of marriage, to allow the petitioners to face the trial will amount to put much harassment upon them.

7. In view of that, entire criminal proceeding including the order taking cognizance dated 25.06.2012 arising out of Complaint Case No.1662 of 2010, T.R. No.718 of 2012, pending in the court of learned Judicial Magistrate, First Class, Hazaribagh is quashed.

8. This petition is disposed of. Pending petition if any also stands disposed of accordingly.