

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr.M.P. No. 2140 of 2015

Avinash Kumar Tiwari, s/o Mukesh Tiwari, resident of RZ-1, Block –N Opposite Ashirwad Vatika Gopal Nagar Extension, Main Dhansa Road, Najafgarh, P.O.Najafgarh, P.S.Baba Haridas Nagar, District Southwest Delhi, PIN 110043
..... Petitioner

-- Versus --

1.The State of Jharkhand
2.Srimati Mala Kumari, w/o Avinash Kumar Tiwari and D/o late Kashinath Dubey, resident of quarter No.30-D, Line No.26, Block –A, Tuiladumri, PO and PS Golmuri Town, Jamshedpur, District East SinghbhumOpposite Parties

With

Cr.M.P. No. 2029 of 2015

1.Mukesh Tiwari, s/o late Mahendra Tiwari, resident of RZ-1, Block –N Opposite Ashirwad Vatika Gopal Nagar Extension, Main Dhansa Road, Najafgarh, P.O.Najafgarh, P.S.Baba Haridas Nagar, District Southwest Delhi, PIN 110043
2.Geeta Tiwari, w/o Mukesh Tiwari, resident of RZ-1, Block-N, Opposite Ashirwad Vatika Gopal Nagar Extension, Main Dhansa Road, Najafgarh, P.O.Najafgarh, P.S.Baba Haridas Nagar, District Southwest Delhi, PIN-110043
..... Petitioners

-- Versus --

1.The State of Jharkhand
2.Srimati Mala Kumari, w/o Avinash Kumar Tiwari and D/o late Kashinath Dubey, resident of quarter No.30-D, Line No.26, Block –A, Tuiladumri, PO and PS Golmuri Town Jamshedpur, District East SinghbhumOpposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners :- Mr. Amit Kumar Das, Advocate
Mr. Shivam Utkarsh Sahay, Advocate
Mr. Saurav Kumar, Advocate

For the State :- A.P.P.

For the O.P.no.2 :- Mr. Anurag Kashyap, Advocate

3/09.11.2022 These petitions have been filed for quashing of the entire criminal proceeding in connection with Golmuri P.S.Case No.199 of 2015 (G.R.No.2484 of 2015), pending in the court of learned Chief Judicial Magistrate, Jamshedpur.

Cr.M.P. No.2140 of 2015 the petitioner is husband of the O.P.No.2 and in Cr.M.P. No.2029 of 2015 the petitioners are father in law and mother in law of the O.P.No.2 respectively.

Mr. Das, the learned counsel appearing for the petitioners submits that the matter is arising out of matrimonial dispute and has been registered under section 498-A IPC as well as other sections of the I.P.C and section 3/4 of the Dowry Prohibition Act. He submits that now both the parties have compromised the matter and they have decided to obtain mutual

divorce and it has been decided that total Rs.30 lakhs has to be paid by the petitioner in Cr.M.P.No.2140 of 2015 namely Avinash Kumar Tiwari to the O.P.No.2 out of which Rs.10 lakhs at the time of filing of divorce, Rs.10 lakhs at the time of filing of I.A for seeking compromise and Rs.10 lakhs at the time of decree of divorce. He further submits that Rs.20 lakhs has already been paid and Rs.10 lakhs will be paid at the time of decree of divorce.

Mr. Kashyap, the learned counsel for the O.P.No.2 fairly submits that a joint compromise petition has been filed by way of I.A. No.9822 of 2022 wherein terms and conditions as submitted by Mr. Das, the learned counsel for the petitioner, has been disclosed. He submits that Rs.10 lakhs shall be received by O.P.No.2 at the time of decree of divorce. As per the compromise the O.P.No.2 does not want to proceed with the matter in view of the compromise.

In view of the above submission of the learned counsels appearing for the parties, he submits that compromise has been taken place and Rs.20 lakhs has been paid to the O.P.No.2. The divorce case has been already filed. The case is arising out of matrimonial dispute and there is no societal interest involved in this petition.

Considering the above facts as well the judgment of the Hon'ble Supreme Court in the case of ***Narinder Singh & Ors. Versus State of Punjab & Anr.***, reported in ***(2014) 6 SCC 466***, and "***Gian Singh Vs. State of Punjab & Anr.***" reported in ***(2012) 10 SCC 303***, entire criminal proceeding in connection with Golmuri P.S.Case No.199 of 2015 (G.R.No.2484 of 2015), pending in the court of learned Chief Judicial Magistrate, Jamshedpur is quashed.

Cr.M.P.No.2140 of 2015 and Cr.M.P.No.2029 of 2015 stand allowed and disposed of.

Pending petition, if any, also stands disposed of.

(Sanjay Kumar Dwivedi, J.)

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