

Prabhakar Kumar Kushwaha Vs. the State of Bihar and ors.

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Court : Patna

Decided On : May-23-2012

Appellant : Prabhakar Kumar Kushwaha

Respondent : The State of Bihar and ors.

Judgement :

Patna High Court Cr.Misc. No.249 of 2011 (2) dt.23-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.249 of 2011
===== Prabhakar
Kumar Kushwaha Petitioner Versus The State Of Bihar & Ors.
Opposite Party/s

=====

Appearance : For the Petitioner : Mr. Anshuman, Advocate. For the Opposite
Party/s : Mrs. Puspa Singh, A.P.P.

===== CORAM:
HONOURABLE MR. JUSTICE SHIVAJI PANDEY ORAL ORDER (Per:
HONOURABLE MR. JUSTICE SHIVAJI PANDEY) 2. 23-01-2012 Heard learned
counsel for the petitioner and learned counsel for the State. This application has
been filed for quashing the order dated 22.9.2010 passed by J.M.F.C., Patna in
Domestic Violation Case No. 10 of 2010. According to the petitioner a petition for
compromise has been filed before the trial court and he has already returned the
materials as has been claimed from the side of the wife. An application under
section 13-B of the Hindu Marriage Act is also lying before the Family Court, Patna
bearing Matrimonial Case No. 300 of 2009. Learned counsel for the petitioner

submits that it is an abuse of the process of the court to continue with this proceeding under the Domestic Violation Act. Patna High Court Cr.Misc. No.249 of 2011 (2) dt.23-01-2012 Issue notice to opposite party nos. 2 and 3 under ordinary process as well as registered cover with A/D for which requisites etc. must be filed within a period of one week, failing which this application as against them shall stand rejected without further reference to the Bench. In the meantime, further proceedings in D.V. Case No.10 of 2010, pending in the court of J.M.F.C., Patna shall remain stayed. However, the matter may be referred to the High Court Legal Services Committee, Patna for mediation of the matter. (Shivaji Pandey, J.)
Vinay/-

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