IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 2419 of 2021

Kunal Choudhary ... Petitioner

Versus

The State of Jharkhand & Anr. ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Vijayant Verma, Advocate For the State : Mr. V.K. Vashistha, Addl. P.P. For O.P. No.2 : Mr. Amit Ray Kisku, Advocate

: Ms. Moushmi Chatterjee, Advocate

Order No.05 Dated- 17.06.2022

Heard the parties.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioner with a prayer for modification of the order dated 10.08.2021, passed in A.B.A. No. 2025 of 2021.

It is submitted by the learned counsel for the petitioner that vide order dated 10.08.2021, passed in A.B.A. No. 2025 of 2021, this court considering the joint submission made by the petitioner and the opposite party no.2 to resume conjugal life and further the petitioner undertaking that he will take the opposite party no.2 to his house at Pandra locality and will keep and maintain her with full dignity and honour as his lawful wife, the petitioner was given the privilege of anticipatory bail. It is next submitted by the learned counsel for the petitioner that on 03.09.2021, the petitioner filed an application in the learned court below mentioning that he has hired a house in Pandra locality on monthly rental basis and is ready to keep and maintain the complainant-opposite party no.2 as his lawful wife but the complainant-opposite party no.2 is not ready and willing to live with the petitioner in-spite of undertaking given before this Court. Hence, it was prayed that the said order by modified.

Learned counsel for the opposite party no.2 submits that the opposite party no.2 is ready and willing to resume conjugal life with the petitioner- husband under the impression that the petitioner is really interested to resume conjugal life but as is evident from the order dated 06.09.2021 passed by the trial court in Complaint Case No.3004 of 2018; the petitioner got a case filed through his mother being the mother-in-law of

the opposite party no.2 and Women Commission passed an order to evict the opposite party no.2 from the house in the name and style of 'Tulsi Nivas, Upper Bazar, Ranchi'. The opposite party no.2 filed W.P.(C) No.5594 of 2019 in this court and the operation of the said order of the Women's Commission dated 10.10.2019 has been kept in abeyance by the court. It is next submitted that the petitioner after being given the privilege of anticipatory bail abused the opposite party no.2 and threatened her over telephone that he would take her to rented house and will flee away leaving her alone in the said rented house just to frustrate the order of this court in W.P. (C) No.5594 of 2019 and to get the said house vacated. Hence, it is submitted by learned counsel for the opposite party no.2 that the opposite party no.2 is still ready and willing to resume conjugal life with the petitioner if petitioner comes and join her in their house at Tulsi Nivas, Upper Bazar, Ranchi for some days to build up confidence.

Learned counsel for the petitioner at this submits that the petitioner cannot stay away from his parents' who were living in the Ranchi town in a rented house at Pandra. It is further submitted that the petitioner is neither in a position to come to reside at Tulsi Nivas, Upper Bazar with the opposite party no.2 either alone or along with his parents.

In view of this adamant attitude of the petitioner of not resuming the conjugal life with the opposite party no.2 in the own house of the petitioner where the opposite party no.2 is staying at present namely Tulsi Nivas, Upper Bazar, this Court is of the considered view that there is no justifiable reason to modify the order dated 10.08.2021, passed in A.B.A. No. 2025 of 2021 as the said order was passed on the basis of misleading submission made by the petitioner that he is ready and willing to resume conjugal life with the opposite party no.2.

Accordingly, this petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/