

**In the Court of Ms Surbhi Singhania  
SUB DIVISIONAL JUDICIAL MAGISTRATE, BIRPUR (SUPAUL)**

**Complaint Case No. 219 (C) 2001**

**Trial no. 45/2026**

**Madhuri Devi (Complainant) Vs. Gopal Kesari (Accused)**

Date of order	Order with signature of the Court	Office action taken with date
19-04-2026	<p>The record is put up today for before-charge evidence. The complainant is present and the sole accused, namely Gopal Kesari, is also present. It is noted that due to a clerical error, the record had been reflecting three accused persons over the past several dates; however, the present case is pending only against the sole accused, Gopal Kesari. The trial of accused Gopal Kesari had already been separated vide order dated 18.11.2002 from the remaining accused, Saraswati Devi and Ramji Prasad Kesari.</p> <p>Today, the evidence of the complainant, Madhuri Devi, has been recorded. Thereafter, on the petition filed by the learned counsel for the complainant, the before-charge evidence was closed. Subsequently, a discharge petition under Section 245 of the Cr.P.C. was filed on behalf of the accused, to which the learned counsel for the complainant raised no objection.</p> <p>Further, a joint compromise petition along with a permission petition dated 25.02.2026, filed by the complainant, was pressed. Learned counsel for the complainant submitted that the matter has been amicably settled between the parties, while learned defence counsel prayed for discharge of the accused in view of such compromise.</p> <p>On perusal of the record, it transpires that the accused, namely Gopal Kesari, Saraswati Devi, and Ramji Prasad Kesari, were originally summoned vide order dated 07.09.2001 for offences punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act. Owing to the non-appearance of accused Gopal Kesari, his trial was separated and the present case remained pending against him alone. Upon his subsequent appearance, the matter was fixed for recording of before-charge evidence.</p> <p>The complainant herself appeared as a witness and deposed in her examination-in-chief that she had instituted the present case against her husband; however, she has been residing with him for the past 23 years and wishes to continue to do so. In her cross-examination, she stated that she has voluntarily entered into a compromise with the accused and does not wish to pursue the case further. She further deposed that the accused neither demands dowry nor subjects her to cruelty on account of dowry. She also stated that she is presently residing peacefully in her matrimonial home and has four children to look after.</p>	

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Continued  
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No other witness was produced by the complainant. Consequently, the before-charge evidence was closed.

In view of the compromise arrived at between the parties and in the absence of any substantive material on record under Section 244 Cr.P.C./Section 267 BNSS to proceed against the accused, this Court finds no sufficient ground to continue the proceedings. Accordingly, the accused, **Gopal Kesari**, is hereby **discharged under Section 245 of the Cr.P.C./Section 268 of the BNSS.**

All pending applications, if any, which is available on record and was not pressed upon by concerned Ld. defence counsel / Ld. Complainant Counsel are hereby disposed of. The bailors of the accused are also discharged from the liabilities of their bail bond. O/C is directed to consign the record to the record room.

*Surbhi Singhania*

(Surbhi Singhania)

S.D.J.M

Birpur (Supaul)

09/4/26