

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44919 of 2012

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Vivek Rastogi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Gulnar Begum (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-04-2015

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of opposite party no.2.

The learned counsel appearing on behalf of opposite
party no.2 submitted that he has already filed vakalatnama on
behalf of opposite party no.2 yesterday.

This application has been filed under Section 482
Cr.P.C. for quashing the order dated 13.09.2012 passed by the
learned Sessions Judge, Kaimur at Bhabua in Criminal Revision
No.110 of 2011 and the order dated 05.09.2011 passed by the
learned Chief Judicial Magistrate, Kaimur at Bhabua in Complaint
Case No.449 of 2011 whereby the court below has taken
cognizance under Sections 323, 341, 504 and 379 of the Indian
Penal Code.

The learned counsel for the petitioner submitted that
against the order taking cognizance the petitioner has filed



criminal revision before the Sessions Judge, which was dismissed by order dated 13.09.2012. After the said dismissal of the criminal revision application, the parties have compromised and by filing supplementary affidavit this compromise application has been brought on record. The learned counsel submitted that in fact the petitioner is the devar of the sister of the opposite party no.2, who had complained under Section 498A I.P.C. at Varanasi and opposite party no.2 has filed this case against in-laws of the sister of opposite party no.2 here-at Bhabua. In fact, this case arises out of matrimonial dispute and the parties have compromised wherein all the disputes between the parties have already been resolved. The learned counsel for the opposite party no.2 did not dispute this fact and he also submitted that now they have already settled their dispute outside the Court and a compromise application has been filed and that the opposite party no.2 and his sister are not desirous of prosecuting any further criminal case before any Court pending either in Uttar Pradesh or in Bihar.

In view of the aforesaid submissions of the learned counsels for the parties, now only on technical grounds criminal proceedings should not be allowed to continue and moreover since the parties have compromised, if it is allowed to continue, it will be nothing but abuse of the process of the Court. The compromise

application has been annexed with the supplementary affidavit. It is clear that all the cases i.e. about six criminal cases instituted by either the petitioner's side or the opposite party's side have already been compromised.

In view of the above facts and circumstances, this criminal miscellaneous application is allowed and the impugned order dated 05.09.2011 whereby cognizance has been taken and the order dated 13.09.2012 whereby the revision application has been dismissed are set aside.

(Mungeshwar Sahoo, J)

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