

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47044 of 2012**

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1. Bibi Halima Khatoon, widow of late Zahir Alam
  2. Khurshid Haroon
  3. Shabbir Haroon
  4. Md.Zafir Harun

Sl.Nos.2 to 4 are sons of late Zahir Alam

All permanent resident of Mohalla-Dharampur, P.S.-Mufassil, District-Samastipur.

Sl. No.3 Shabbir Haroon at present resident of 124, Grand Plaza, Frazer Road, Patna-1.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Iqbal Matin, son of Abdul Matin, resident of village-Mahnaiya, P.S.-Dalsingsarai, District-Samastipur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sadaquat Hussain  
Mr.Chandramauli Prasad Singh

For the Opposite Party/s : Mr. Hirday Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      19-05-2015                      Heard learned counsel appearing on behalf of the petitioners and learned Addl.P.P. appearing on behalf of the State of Bihar.

The petitioners have filed the present application under Section 482 Cr.P.C. for quashing the order dated 01.09.2012 (Annexure-3) passed in Guardian Certificate Execution Case No.25 of 2010 by the learned Principal Judge, Family Court, Samastipur, whereby the petitioners have been directed to appear in person on 04.09.2012.

Admittedly, the date fixed for appearance of the petitioners has already expired. The present application was filed before this Court on 26.11.2012 i.e. after expiry of the date fixed for their appearance. In the whole application, the petitioners have not stated that on the date fixed or even thereafter the petitioners

did not appear before the learned Principal Judge, Family Court, Samastipur. The present application appears to have become infructuous. If the petitioners have, at all, any grievance about the continuance of the aforesaid Guardian Certificate Execution Case No.25 of 2010, then they shall be well advised to approach the learned Principal Judge, Family Court, Samastipur at the first instance for grant of an appropriate relief, but by appearing before the court below.

In the factual matrixes of the case, particularly in view of the passage of time, this Court is not inclined to interfere with the impugned order dated 01.09.2012 (Annexure-3) passed by the learned Principal Judge, Family Court, Samastipur. In fact, the present matter has practically become infructuous due to passage of time.

For the reasons recorded above, the present application stands dismissed, but with the observations made above.

**(Birendra Prasad Verma, J)**

Arvind/-

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