

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13278 of 2009

Arising Out of PS.Case No. 9 Year- 2007 Thana -null District- WESTCHAMPARAN(BETTIAH)

Awadh Kishore Tiwari S/o late Indradeo Tiwari, resident of village Barwat Prasaraine Bettiah, P.S. Bettiah Muffassil, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. Premshankar Verma, Investigation Officer, Bettiah (Mufassil) P.S., District West Champaran
3. Surendra Singh son of Balbhadra Singh, resident of village Barwat Prasaraine, P.S. Bettiah Mufassil, District West Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Tiwary, Advocate

For the Opposite Party/s : Mr. Prasoon Sinha, Advocate

Dr.Amrendra Kumar-1, Advocate

Mr. Manish Rai Sharma, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-07-2015

The Petitioner seeks quashing of the order of non-discharge dated 2.2.2009 passed by the Additional Sessions Judge, F.T.C. III, Bettiah, West Champaran in Sessions Trial No.369 of 2008 arising out of Bettiah Mufassil P.S. case No.9 of 2007.

The case of the Informant is that on the date of occurrence on account of land dispute the accused persons variously assaulted him and also committed theft of his personal property.

It has been submitted on behalf of the Petitioner that it is a counter version of an occurrence which had taken place and another case had been instituted by the Petitioner vide Bettiah Mufasil P.S.

case No.320 of 2006 also under the same provisions of law. Subsequently since the parties belong to the same family, they wish to file a Compromise petition in the court below.

Considering such willingness to end the dispute finally and bring harmony within the family, the application is allowed and the order of non-discharge dated 2.2.2009 passed by the Additional Sessions Judge, F.T.C. III, Bettiah, West Champaran in Sessions Trial No.369 of 2008 arising out of Bettiah Mufassil P.S. case No.9 of 2007 is hereby set aside. Also the proceeding of Bettiah Mufasil P.S. case No.320 of 2006 pending in the court of Chief Judicial Magistrate, Bettiah is set aside.

(Anjana Prakash, J)

Narendra/-

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