

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21286 of 2013

Arising Out of PS.Case No. -905 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Hena Kausar W/o Irfan Ahmad
2. Shamim Bano W/o Ehsan Ahmad @ Ehsan Ahmad Khan
3. Kamran Khan S/o Ehsan Khan @ Ehsan Ahmad Khan
4. Md. Imran Khan S/o Ehsan Khan @ Ehsan Ahmad Khan
All resident of Ramawtar Prasad Khatri Path Diwan Mohalla, Hammam Gurhatta,
Patna City, P.S. – Khajekhalan, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Eqbal Ahmad S/o Md. Murtaza, R/o Mohalla – Enayat Colony, Basi Road, P.S.
Civil Line, District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.
Mr. Tabish Safruddin, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 29-08-2016

Heard Sri Raj Dular Sah, learned counsel for the
petitioners , Sri Madan Kumar, learned Additional Public Prosecutor
as well as Sri Tabish Safruddin, learned counsel for the complainant
/ opposite party no. 2.

The present petition was filed by four petitioners under
section 482 of the Code of Criminal Procedure with a prayer to quash
an order dated 26.10.2010 passed by Smt. Kumari Vijaya, Judicial



Magistrate 1st Class, Gaya in Complaint Case No. 905 of 2010 , Tr. No. 1108 of 2013. By the said order the learned Magistrate after enquiry had taken cognizance of offence under Section 323, 380/ 34 of the Indian Penal Code. Earlier complaint was filed by the opposite party no. 2 against six persons who were arrayed as accused in the complaint petition for alleged commission of offences under Section 380, 452, 323, 504 / 34 of the Indian Penal Code and Section 27 of the Arms Act. However after enquiry the learned Magistrate took cognizance of offence under Section 323, 380/34 of the Indian Penal Code only against four petitioners who have filed the present petition.

At the very outset learned counsel for the petitioners and Mr. Tabish Safruddin, learned counsel for the complainant/ opposite party no. 2 submits that during the pendency of this proceeding good sense prevailed in between the parties and finally outside court settlement has already been done. Mr. Tabish Safruddin, learned counsel for the complainant on instruction submits that now the complainant is not at all interested to pursue the matter.

In view of changed circumstances particularly stand taken by learned counsel for the complainant the Court considers that allowing the proceeding in Complaint Case No. 905 of 2010, Tr. No. 1108 of 2013 will amount to allowing abuse of the process of the

court. Accordingly since dispute has already been settled and complainant is not interested to pursue the matter the order impugned i.e. the order dated 26.10.2010 passed in Complaint Case No. 905 of 2010, Tr. No. 1108 of 2013 is hereby set aside and entire proceeding so far petitioners are concerned is hereby dropped.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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