

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47552 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Ranjit Kumar Singh @ Ranjit Singh S/O Bishwanath Singh, resident of Mohalla-
Veer Kunwar Singh Colony, Hajipur, Police Station- Hajipur, Sadar, District-
Vaishali At Hajipur

.... Petitioner

Versus

1. The State of Bihar
2. Rajendra Prasad Singh S/O Late Sita Ram Singh, resident of Plot No.-7, L.I.C.
Colony, Kankarbagh, Police Station- Patrakar Nagar, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Singh, Advocate

For the Opposite Party No.2: Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-04-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 21.08.2013 passed by the learned Judicial Magistrate, 1st Class at Patna in Complaint Case No. 1368 (c) of 2013 by which the learned Magistrate has summoned the petitioner to face the prosecution for the offences punishable under Sections 447, 504 and 506/34 of the Indian Penal Code.

2. Initially, the complainant opposite party no. 2 Rajendra Prasad Singh filed Complaint Case No. 3412 of 2012 in



the Court of Chief Judicial Magistrate, Patna on 18.12.2012 against the petitioner and others including one Seema Kumari, daughter of the petitioner alleging therein that all the accuse persons entered into his house on 17.11.2012, abused all his family members, assaulted them and, thereafter, all the belongings including the ornaments and car were carried away on the truck. It is further alleged that when a protest was made the son and wife of the complainant were beaten up mercilessly by the accused persons.

3. The aforesaid complaint was sent to the police in exercise of powers conferred under Section 156(3) of the Code of Criminal Procedure for investigation pursuant to which Patrakar Nagar P. S. Case No. 05 of 2013 was registered for the offence punishable under Sections 448, 341, 342, 323 and 380/34 of the Indian Penal Code.

4. It is contended that after completion of the investigation, the police found the case to be false and thus a final report in favour of the petitioner and others was filed in the court of Chief Judicial Magistrate on 28.02.2013.

5. However, since a protest petition was filed while the investigation was still on, on receipt of police report under Section 173 (2) of the Code of Criminal Procedure, learned Magistrate accepted the final form and directed the protest petition



to be registered as a complaint pursuant to which Complaint Case No. 1368(c) of 2013 was registered in which after examining the complainant on solemn affirmation and other witnesses during enquiry a *prima facie* case was found to be made out against the petitioner and four others, whereafter summons were issued against them in exercise of power conferred under Section 204 of the Code of Criminal Procedure.

6. It is contended by the learned counsel for the petitioner that the very institution of the complaint is malicious in nature. He contended that the petitioner and others have been implicated in this case in retaliation to institution of the first information report by the daughter of the petitioner against the family members of opposite party no. 2 for the offence committed under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

7. He contended that the complainant is *Samadhi* of the petitioner and after institution of the case, the dispute between the parties has already been amicably settled. He contended that the petitioner's daughter Seema Kumari is happily living with her husband Rahul Kumar in her matrimonial home and the parties do not wish to contest the matter any more.

8. Mr. Anil Kumar, learned counsel for opposite



party no. 2 supported the submission made by the learned counsel for the petitioner. He contended that due to intervention of the relatives, friends and well wishers, the matter has been amicably settled between the parties. He contended that the complainant does not intend to pursue the complain any more.

9. Regard being had to the facts that the dispute between the parties is purely private in nature and no public policy is involved in view of the amicable settlement of the dispute between the parties, no useful purpose would be served by allowing the complaint in question to proceed against the accused persons including the petitioner.

10. In that view of the matter, the entire proceedings of Complaint Case No. 1368 © of 2013 including the order dated 21.08.2013 passed by the learned Judicial Magistrate, 1st Class at Patna is hereby quashed.

11. The application stands allowed.

(Ashwani Kumar Singh, J)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2017
Transmission Date	26.04.2017

