

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9227 of 2012

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Ratneshwar Prasad Singh S/O Sri Parmeshwar Prasad Singh Resident Of
Dayamandir, Pataliputra Colony, P.O. & P.S.- Pataliputra Colony, District- Patna.
At Present Secretary, State Society for Prevention of Cruelty to Animals, Regd.
Office at Dayamandir, Pataliputra Colony, P.O. & P.S.- Pataliputra Colony,
District- Patna

.... Petitioner

Versus

1. The State Of Bihar
2. State Society for Prevention of Cruelty to Animals, Regd. Office at 'Dayamandir',
Patliputra Colony, Patna-13, through Inspector, S.P.C.A., posted at Balia
(Begusarai), Bihar, Patna, Sandeep Kumar, S/O Sri Ramchandra Singh, Brahampur,
P.S.- Bairea, District- Muzaffarpur

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-10-2017

Heard the learned counsel for the parties.

2. This application under Section 482 of the Code of Criminal Procedure is for quashing of the order dated 03.05.2011 passed in Complaint Case No.874 (C) of 2011 by the learned Judicial Magistrate 1st Class, Patna whereby cognizance has been taken against the petitioner for offences under Sections 468 and 471 of the Indian Penal Code.

3. The perusal of the complaint petition would reveal that the real dispute between the parties relates to claim over the post of Secretary of State Society for Prevention of Cruelty to



Animals a registered society.

4. At the time of hearing, learned counsel for the parties submitted that though the offences for which cognizance has been taken are not compoundable under Section 320 Cr.P.C. However, the parties have filed a joint compromise petition in the case on 31.10.2012 itself before the learned court below.

5. Submission is that considering the private and trivial nature of dispute and compromise between the parties, continuation of the criminal proceeding would amount to an abuse of the process of the court. Reliance has been placed on case of *Gian Singh Vs. State of Punjab & Another, (2012)10 SCC 303* for submission that even in the case of non-compoundable offences in view of the compromise arrived at between the parties, this Court can quash the proceeding in exercise of power under Section 482 Cr.P.C. in certain cases which includes the present one.

6. Considering the aforesaid case law and the facts and circumstances of this case, in my view, the continuance of criminal proceeding after compromise between the parties would amount to futile exercise and as such an abuse of the process of the court, hence the impugned order stands quashed and this application is allowed accordingly.



(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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