IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.933 of 2016

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1. Krishna Kumar Dokaniya @ Kanhaiya Jee, Son of Late Ganesh Ram Dokaniya, Resident of Mohalla- Aliganj, P.S.+ District- Bank.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. Anand Ram Dokaniya, Son of Mohan Ram Dokaniya, Resident of Mohalla- Aliganj, P.S. + District- Banka presently residing at Peable Bay Apartment, Tower No. 4, Flat No. 41, Ist. Main Road, Dollar Colony, R.M.U. IInd Stage, P.S. Sanjay Nagar, District- Banglore

.... Respondents

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Appearance :
For the Petitioner : M/S Ranjan Kumar Jha & Deepak Sahay, Advs.
For the State : Mr. Iqbal Asif Niazi, AC to GP V
For respondent no. 2 : Mr. Radha Mohan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner as well as respondents, including respondent no. 2, Anand Ram Dokaniya, who is informant of Banka P.S. Case No. 634 of 2016.

Petitioner has invoked the writ jurisdiction of this Court for quashment of first information report of Banka P.S. Case No. 634 of 2016 registered for the offences under Sections 341, 323, 427, 420, 467, 468 and 471 of the Indian Penal Code. The prayer is on the ground that both sides are family members and they have compromised the case. The informant, respondent no. 2 has already given written information to this effect, dated 20.09.20016, to the learned Chief Judicial Magistrate, Banka, vide Annexure 1 to the counter affidavit, filed on behalf of respondent no. 2.

Submission of the learned counsel is that the offences alleged under Sections 341, 323, 427 and 420 of the Indian Penal Code are compoundable and other offences are not made out in the facts and circumstances of this case.

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According to first information report, lodged by respondent no. 2, the respondent no. 2 was residing at Bangalore and his old parents were residing at Banka, the native village. The petitioner, who is cousin brother of the informant, allegedly, misbehaved with the father of the informant and under a conspiracy got a registered sale deed from the father of the informant by putting him in threat.

Submission of the learned counsel for the petitioner is that for property dispute the concocted first information report was lodged. The informant has stated in his petition vide Annexure 1 to the counter affidavit that for dispute relating to family property under some misconception, the informant lodged the case. After interference by some well-wishers, the misunderstanding between the parties has been remedied. The informant has already received the consideration money of the sale deed executed by his father. Now, there is no dispute between the parties.

On bare perusal of the first information report, aforesaid, it is evident that there is no allegation of forgery in respect of any document or valuable security nor there is any allegation of use of the said document as genuine document. Therefore, offences alleged under Sections 467, 468 and 471 of the Indian Penal Code are not made out and other offences, alleged, are compoundable. The parties have already entered into a compromise. Hence, for substantial justice continuance of the pending criminal proceeding would amount to abuse of the process of law and result in miscarriage of justice and unnecessary harassment as after compromise the fate of the trial is known to all.

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Learned counsel for the respondent supports the statement of the petitioner on the facts of this case.

For the reasons above, the first information report of Banka P.S. Case No. 634 of 2016 and the subsequent criminal proceeding stands quashed and the writ application accordingly allowed.

(Birendra Kumar, J)

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