

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41463 of 2013

Arising Out of PS.Case No. -1777 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Babita Devi, Wife Of Vikash Kumar Ray, Resident Of Village - Bhatbigha, Police Station - Mohanpur, District – Gaya, at present resided of Flat No. 41, Badri Vila Apartment, Mohalla - Dujra, P.S. - Budha Colony, District - Patna-1

.... Petitioner/s

1. Versus

1. The State of Bihar
2. Arun Kumar, son of late Triveni Ray, resident of village - Bhatbigha, Police Station - Mohanpur, District - Gaya, at present resided at C/O Rajesh Kumar Sinha in front of Mainpura Murti Makan, P.S. - Patliputra, District - Patna-1

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-04-2017

1. This application has been filed for quashing the order dated 31.05.2013 passed by the learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 1777(C) of 2012 by which the learned Magistrate after holding enquiry found *prima facie* case for the offence under Section 406 of the Indian Penal Code against petitioner.

2. Heard learned counsel for the petitioner and State.

3. It has been submitted on behalf of the petitioner that during pendency of this application a compromise has taken place between the parties. The said compromise petition has been filed in



the lower court on 7.7.2016.

4. After looking into the petition and impugned order, this Court finds that learned Magistrate after perusing the complaint petition and statement of witnesses has found *prima facie* case for the offence under Section 406 of the Indian Penal Code against the petitioner.

5. Therefore, this Court does not find any illegality in the impugned order dated 31.05.2013 passed by the learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 1777(C) of 2012.

6. Accordingly, this Cr. Misc. application is hereby dismissed.

7. The petitioner is directed to file necessary petition in the court below that they have compromised the case. The court below in that event will pass appropriate order in accordance with law after taking into consideration that the parties have compromised the matter.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2017
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