

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44440 of 2013

Arising Out of P. S. Case No.-32 Year- 210 Thana -Phenhara District-
EASTCHAMPARAN(MOTIHARI)

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Dinbandhu Prasad Son Of Late Sital Sah Resident Of Village & P.S.- Phenhara
District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Yamuna Ram S/O Bujhawan Ram Resident Of Village- Deokulia, P.S.-
Phenhara, District- East Champaran

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Md. Anish Akhtar, Advocate

For the Opposite Party/s : Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-05-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 31.07.2012 passed by learned 1st Additional Sessions Judge, Motihari, East Champaran in S.C. & S.T. Trial No. 41 of 2012 arising out of Phenhara P.S. Case No. 32 of 2010 whereby charges have been framed against the petitioner under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.



2. It is contended by the learned counsel for the petitioner that though certain allegations have been made in the FIR on the basis of which on completion of investigation charge-sheet was submitted and after taking cognizance of the offence and complying with the requirements of Section 207 of the Code of Criminal Procedure, charges have been framed under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the petitioner and the informant have amicably settled their dispute outside the court and a compromise petition has also been filed in this regard before the court below and in that view of the matter, no useful purpose would be served by allowing the trial to continue.

3. On the other hand, Dr. Mayanand Jha, learned Additional Public Prosecutor for the State submitted that the allegations made in the FIR do attract the ingredients of the offences alleged. He contended that the allegations made in the FIR were found to be true during investigation and the petitioner has been sent up for trial. He contended that the compromise petition filed before the court below was never pressed and, hence, the bona fide of the same is doubtful. He contended that in the present matter, no joint compromise petition has been filed before this



Court and in that view of the matter when on merits no illegality can be found with the impugned order, it would not be proper for this Court to quash the proceedings.

4. I have heard learned counsel for the parties and perused the record.

5. From perusal of the materials on record, I am of the view that the ingredients of the offences under which charges have been framed are clearly attracted in the present case. Learned Additional Public Prosecutor for the State has rightly pointed out that so-called compromise petition filed in the court below was never pressed by the petitioner. I also find substance in the submission made by learned Additional Public Prosecutor for the State that in absence of any joint compromise petition before this Court, the matter cannot be quashed on mere asking of the petitioner. The bona fide of so-called amicable settlement is apparently doubtful.

6. In that view of the matter, at this belated stage, I am not inclined to interfere with the order dated 31.07.2012 passed by learned 1st Additional Sessions Judge, Motihari, East Champaran in S.C. & S.T. Trial No. 41 of 2012 arising out of Phenhara P.S. Case No. 32 of 2010 by which charges have been framed against the petitioner.



7. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.05.2017
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