

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42179 of 2013

Arising Out of Complaint Case No. C-228 Year- 2009 Thana - Sikrahana District- EAST
CHAMPARAN (MOTIHARI)

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1. Ram Ekbal Rai Son of Late Mukhlal Rai Resident of Village Karahiya, P.S. Madhuban, District - East Champaran
2. Rup Lal Rai Son of Late Dwar Rai Resident of Village Padmaul, P.S. Rajepur, District - East Champaran
3. Sijanti Devi D/O Rup Lal Rai Resident of Village Padmaul, P.S. Rajepur, District - East Champaran
4. Heera Devi W/O Rup Lal Rai Resident of Village Padmaul, P.S. Rajepur, District - East Champaran
5. Chhoti Kumari D/O Rup Lal Rai Resident of Village Padmaul, P.S. Rajepur, District - East Champaran

.... Petitioners

Versus

1. The State Of Bihar
2. Ram Chandra Rai Son of Late Laxuman Rai Resident of Village Kauriya (Yadav Tola), P.S. Madhuban, District - East Champaran

.... Opposite Parties.

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Appearance:

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party-State: ----

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 21-06-2017

Heard Sri Anil Kumar, learned counsel for the petitioners, and Sri Anuj Kumar, learned counsel representing the opposite party no. 2.

No one appears for the State.

The petitioners in this case are seeking quashing of the order dated 21.01.2010 passed by the learned Sub Divisional Judicial Magistrate, Sikrahana at Motihari in Complaint Case No. C-228/09



whereby and whereunder he has taken cognizance for the offences under Sections 323 and 498A of the Indian Penal Code against the petitioners.

Learned counsel for the petitioners, at the outset, drew my attention towards the description of the petitioners as according to him petitioner no. 1 is maternal uncle, petitioner no. 2 is father-in-law, petitioner no. 3 is sister-in-law, petitioner no. 4 is mother-in-law and petitioner no. 5 is sister-in-law. He has submitted that in fact the allegations as contained in the complaint are vague, there is no allegation against the husband and the entire family members other than the husband have been falsely implicated in the complaint case.

Learned counsel has taken me through the complaint petition and has drawn my attention towards the first paragraph of the complaint wherein it is specifically stated that the accused Rup Lal Rai was keeping his daughter-in-law with all love and affection, however, thereafter allegations have been made that at the instance of other accused persons he started demanding a she-buffalo and a golden chain. The allegations in the complaint petition would simply suggest that those are general and vague in nature and lacks credence. Annexure-2 is a Panchnama showing that there was a meeting of Panches in which the parties had agreed to live peacefully and not to indulge in filing cases against each other with an intention to falsely



implicate the one and the other side. Annexure-3 is an application signed by both the parties which is said to have been filed in the court of the learned Sub Divisional Judicial Magistrate, Sikarhana at Motihari in which both the parties have affirmed that there was a Panchayati in which they have settled their disputes.

In the present case, while staying further proceedings a notice was also issued to the opposite party no. 2 on 16.09.2014, although the opposite party no. 2 has appeared through learned counsel, however, no affidavit in opposition has been filed challenging the documents on which the accused petitioners have placed reliance. This leads to an opinion of this Court that the documents relied upon by the petitioners are not disputed, hence, this Court is of the opinion that it would not be in the interest of justice to allow the present proceedings to continue for two reasons, firstly, that the complaint petition contains only vague and general allegations and no *prima facie* case seems to be making out against the accused persons and, secondly, that the parties have earlier subjected themselves to Panches and have arrived at a settlement, therefore, it would be in the interest of justice that both the parties live peacefully without indulging into further litigations.

In the facts and circumstances of the case, let the order dated 21.01.2010 passed by the learned Sub Divisional Judicial



Magistrate, Sikrahana at Motihari in Complaint Case No. C-228/09 be quashed.

Learned counsel for the Opposite Party no. 2 submits that in view of the decision taken in Panchayati (Annexure-2) the criminal case instituted by the petitioners' side be also quashed. Learned counsel for the petitioners accepts that the case filed by the accused persons against the Opposite Party no. 2, which has been registered as Rajepur P.S. Case No. 85/11, shall not be pursued and appropriate steps shall be taken to get the case closed so that the Opposite Party no. 2 is not unnecessarily harassed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.06.2017
Transmission Date	23.06.2017

