

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19980 of 2014

Arising Out of PS.Case No. -29 Year- 2009 Thana -SHRIKRISHNAPURI District- PATNA

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1. Pintu Kumar S/o Sri Krishna Prasad
2. Rajesh Kumar S/o Sri Shankar Patel,
3. Sanjay Kumar @ Sanjay Kumar Singh S/o Sri Binay Kumar All residents of Flat
No. 405, Pushpanjali Complex, P.S. S.K. Puri, Boring Road, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Khandelia S/o Sri Deoki Nandan Khandelia, R/o Sagarmal Chowk,
Khagaria, P.S. and Distt. Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kr. Kejriwal
For the Opposite Party No. 2 : Mr. Sanjiv Kumar
For the State : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 14-07-2017

The petitioners seek quashing of the order dated 16.01.2010 passed by Chief Judicial Magistrate, Patna in G.R. No. 633 of 2009 arising out of S.K. Puri P.S. Case No. 29 of 2009 under Sections 323, 341, 427, 504 and 506/34 of the I.P.C.

2. Heard the learned counsel for the petitioners, learned APP for the State as well as the learned counsel for the Opposite Party No. 2.

3. It is submitted that the petitioners are employees in an office maintained by the land owner of the building namely Pushpanjali Complex and they have nothing to do with the offence. The informant of this case had litigation with the land owner of



Pushpanjali complex for which several cases were lodged by each other. At the time of investigation, no witness has stated about involvement of the petitioners in the alleged occurrence. The learned Magistrate has passed the impugned order in most mechanical manner. The dispute between the informant and the land owner has been resolved and so, in view of compromise between the parties and also the nature of allegation, the criminal of prosecution of these petitioners is fit to be quashed.

4. The learned counsel for the O.P. No. 2 as well as learned APP for the State concedes to the submissions made on behalf of the petitioners. The case has been compromised and the offence is compoundable in nature. The criminal prosecution of these petitioners if allowed to proceed it would amount to abuse of process of court.

5. In view of above facts, the criminal prosecution of these petitioners as well as order dated 16.01.2010 passed by court below is quashed and this Criminal Miscellaneous Application is allowed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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