

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20151 of 2015

Arising Out of PS.Case No. -265 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sita Ram Sao , S/o Late Babu Lal Sao
 2. Birendra Sao @ Birendra Kumar, S/o Sita Ram Sao
 3. Sarswati Devi, W/o Sita Ram Sao
 4. Dinesh Sao, S/o Ram Awatar Sao
 5. Sudami Devi, W/o Dinesh Sao

All R/o village-New Etwarpur, Dhalaiya Road, P.S.-Parsa, Distt.-Patna.

.... Petitioners

Versus

1. The State of Bihar
2. Sita Devi, W/o Sri Nandu Sao, R/o Village-Kishtipur, P.S.-Dhanaruwa, Distt.-
Patna.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party No.2: Mr. Gauri Shankar Prasad, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-06-2017

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners seeking quashing of the order dated 21.01.2015 passed by the learned Judicial Magistrate-1st Class, Masaurhi in Complaint Case No. 265(C) of 2014 by which the petitioners have been summoned to face trial



for the offence punishable under Section 427 of the Indian Penal Code.

2. It is submitted by the learned counsel for the petitioners that the offence punishable under Section 427 of the Indian Penal Code is compoundable in nature and the opposite party no.2, Sita Devi has already entered into compromise.

3. By order dated 15.05.2015, the opposite party no.2 was noticed in the present case. Mr. Gauri Shankar Prasad, learned Advocate appears on behalf of the opposite party no.2

4. A petition duly affidavited by Sita Devi, opposite party no.2 has been filed in the present case wherein it is stated that the parties have compromised this case outside the Court. Mr. Gauri Shankar Prasad, learned counsel for the opposite party no.2 submitted that since an amicable settlement has been arrived at between the parties, the opposite party no.2 does not intend to proceed with the case.

5. Regard being had to the submissions made above, in view of the fact that the offence punishable under Section 427 of the Indian Penal Code is compoundable in nature and the person to whom the loss or damage is caused has already filed affidavit that his case has been compromised, the application is allowed.

6. The impugned order dated 21.01.2015 passed by



the learned Judicial Magistrate-1st Class, Masaurhi in Complaint Case
No. 265(C) of 2014, is quashed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2017
Transmission Date	01.07.2017

