

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.828 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Om Narayan Sharma, son of Late Mukti Nath Sharma, resident of M/s Chanakya Picture Palace, Exhibition Road, P.S. Gandhi Maidan, Town and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Inspector General of Police, Magadh Division, Patna
4. The Senior Superintendent of Police, Bihar, Patna.
5. The Superintendent of Police, Patna at Patna.
6. The Deputy Superintendent of Police (Town), Distt. Patna.
7. The SHO, Gandhi Maidan Police Station, Gandhi Maidan, Distt. Patna.
8. Mr. Vikash Agarwal, son of Dhan Kumar Agarwal, resident of-B. Pushp Vihar Apartment, Exhibition Road, P.S. Gandhi Maidan, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh No.1, Advocate
Ms. Kumari Rashmi, Advocate
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the F.I.R. of Gandhi Maidan P.S. Case No.156 of 2016, registered under Sections 420/406/120B of the Indian Penal Code, lodged by private respondent No.8.

3. Submission of the learned counsel for the petitioner is that the offences alleged are compoundable and the parties have already filed compromise petition in the learned Court-below.



However, the Court-below has not passed any order on the compromise petition. Thereafter, report was called for from the learned Court-below and the report dated 22.09.217 at Flag-X would reveal that though a joint compromise petition was filed however, since the case is still under investigation awaiting final report the Court-below has not passed any order on the said petition.

4. The aforesaid circumstance of the case indicates that the continuance of the criminal prosecution would amount to abuse of the process of the Court. Hence, the F.I.R. and the entire criminal prosecution against the petitioner stands quashed and the writ application stands allowed.

5. In view of the aforesaid conclusion, this Court is not inclined to grant any relief in favour of the petitioner on the subsequent prayer of the petitioner to conduct inquiry and grant compensation for the atrocities of the respondents against the petitioner, as the petitioner has adequate alternative remedy.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2017
Transmission Date	03.11.2017

