

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34367 of 2014

Arising Out of PS.Case No. -123 Year- 2012 Thana -MANER District- PATNA

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1. Munna Devi aged about 76 years wife of Munarik Paswan.
 2. Munarik Paswan aged about 81 years son of Khelari Paswan.
 3. Sarita Devi aged about 36 years wife of Dilip Paswan.
 4. Dilip Paswan, aged about 43 years son of Munarik Paswan.

All R/o Village Sattar, Post Sarai P.S. Maner, District, Patna

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandni Devi aged about 27 years wife of Rajkapur Paswan.
3. Rajkapur Paswan aged about 31 years son of Munarik Paswan, both R/o village-Sattar, Post Sarai, P.S. Maner, District-Patna.
4. Kanhai Paswan, aged about 61 years son of Late Ram Babu Paswan R/o village Sanghat, P.O. & P.S. Phulwari Sharif District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshuman
For the Opposite Party/s : Mr. Rajiv Kumar
For the State : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 31-07-2017

This application Section under Section 482 of the Cr.P.C. has been filed to quash the order dated 10.07.2013 passed by learned Judicial Magistrate, 1st Class, Danapur in Maner (Patna) P.S. Case no. 123 of 2012 whereunder the Magistrate finding *prima facie* case for the offence under Sections 498-A, 323 and 504/34 of the I.P.C., summoned the petitioners and other co-accuseds.



2. Heard both sides.

3. It has been submitted that the petitioners are parents, brother and sister-in-laws of the O.P. no. 2 against whom there is no specific allegation of any overt act or torture. They have no manner of concern with the affairs of the O.P. no. 2 or her husband. She has compromised the case and at present she is residing with her husband which is apparent from the order dated 08.03.2013 passed by the court below. At the time of bail, the O.P. no. 2 and her husband filed compromise and on the undertaking of her husband, the O.P. no. 2 started residing with her husband. The learned Magistrate has passed the impugned order in mechanical manner and so the same is fit to be quashed. The learned counsel for the O.P. no. 2 did not oppose the submissions and conceded that the wife is residing with her husband and she has no objection if the order taking cognizance is quashed. The learned A.P.P, on the other hand, opposed the submissions.

4. On perusal of the FIR and the copy of orders annexed with the application, I find that the O.P. no. 2 has compromised the case with her husband. These petitioners are in-laws having no specific allegation of torture. In such circumstance, the criminal prosecution of theses petitioners would amount to abuse of process of the Court.

5. In view of the above facts, the order dated 10.07.2013 passed by learned Judicial Magistrate, 1st Class, Danapur in Maner (Patna)



P.S. Case no. 123 of 2012 with respect to these petitioners is quashed
and this Cr. Misc. application is allowed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2017
Transmission Date	03.08.2017

