

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24407 of 2014

Arising Out of PS.Case No. -174 Year- 2013 Thana -BAHADURPUR District- PATNA

- =====
1. Sunil Kant S/o Suresh Chandra Prasad Singh
 2. Rashmi Rani W/o Sunil Kant Both Residents of Mohalla New Kunj Colony,
Police Station Bahadurpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Biranju Kumari W/o Surya Kant Resident of Mohalla New Kunj Colony, Police
Station Bahadurpur, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Adv Mr. Ajay Kumar, Adv Mr. Satya Prakash, Adv
For the Opposite Party/s	:	Mr. Arvind Kumar Mukul Mr. Harish Kumar Mr. Raj Kishore Jha
For the State	:	Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 11-07-2017

Heard both sides.

2. This is an application under Section 482 of the Cr.P.C. for quashing the order dated 11.02.2014 passed by learned Additional Chief Judicial Magistrate, Patna City, in Bahadurpur P.S. Case no. 174 of 2013 whereby and whereunder cognizance has been taken against the petitioners under Sections 341, 323, 447, 504/34 of the Indian Penal Code.



3. The petitioners and the husband of the O.P. no. 2 are full brothers. The O.P. no. 2 lodged an F.I.R. against the petitioners alleging therein that this petitioner assaulted her and her husband. These petitioners have also lodged an F.I.R. vide Bahadurpur P.S. Case no. 173 of 2013 for the offence under Sections 341, 323, 324/34 of the I.P.C against the informant. The petitioner no. 1 sustained cut injury on scalp. Both cases are related to the same offence. The mother of the petitioner no. 1 has filed a Title Suite no. 279 of 2015 against the husband of the O.P. no. 2 which is pending in the court of Sub Judge-III, Patna City which according to the parties is genesis of the occurrence. The petitioners and the O.P. no. 2 are not willing to contest the case and so they pray for quashing both the cases pending against each other.

4. The learned APP, on the other hand, opposed the submission by stating that the counter case lodged by the petitioners is non-compoundable and so the case has to be decided on merit.

5. Be that as it may, the petitioners and husband of the O.P. no. 2 are full brothers and a civil suit is going on with respect to landed property. I further find that the learned Magistrate has taken cognizance of offence after considering the materials on record.

6. In the facts and circumstances of the case, this Cr. Misc. application is disposed of with a liberty to the petitioners and O.P. no.



2 to raise their grievance before the court below.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.07.2017
Transmission Date	12.07.2017

