

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14308 of 2011

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1. Malti Devi D/O Nourangi Mistry
 2. Shambhu Mistry Son of Nourangi Mistry
 3. Nourangi Mistry Son of Late Shiv Narayan Mistry
 4. Braj Kishore Mistry S/O Late Jatan Mistry. All resident of Village-
Gonpura, P.S. Kurtha, District- Arwal.
 5. Ram Dayal Sharm Son of Late Ram Chandar Sharma, resident of
Mohalla- Badki Delha, Dularganj Road, P.S. Delha, District- Gaya.
 6. Rajendra Sharma Son of Jagdish Mistry
 7. Jagdish Mistry Son of Late Raghunandan Mistry. Both R/O Village-
Padaria, P.S. Tekari, District- Gaya.
 8. Dudheswar Singh Son of Baidyanath Singh, resident of Village-
Gonpura, P.S. Kurtha, District- Arwal.
 9. Lalita Devi W/O Ram Dayal Sharma, R/O Mohalla- Badki Delha, P.S.
Delha, District- Gaya.
 10. Basanti Devi W/O Nourangi Mistry, R/O village- Gonpura, P.S. Kurtha,
District- Arwal.

.... Petitioners

Versus

1. The State of Bihar
2. Brajesh Prasad Son of Chamaru Mistri R/O Village- Paridpur, P.S.
Parasbigha, District- Jehanabad.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Satya Veer, Advocate.
For the State : Mr. Ram Bilash Roy, 'Raman' (APP)
For the opp. Party no.2 : Mr. Sanjay Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

19 07-11-2017

Affidavits on behalf of petitioner no.1 and the

opposite party no.2 have been filed. By filing the affidavits it has
been submitted that both the parties have settled their disputes
amicably and have agreed to withdraw the cases filed by the
parties against each other and further they will file a joint mutual
Divorce petition before the competent court of jurisdiction for
dissolving their marriage. Both parties have also agreed that both
sons will be looked after by both the parties and both sons will not



be debarred from their legal rights by both the parties. It is submitted that in view of compromise arrived at between the parties now the opposite party no.2 does not want to continue with the case and as such this Criminal Miscellaneous for quashing should be allowed.

This Criminal Miscellaneous has been filed for quashing the order dated 10.01.2011 passed by Sri Afjal Alam, the learned Judicial Magistrate, 1st Class, Jehanabad in CR No. 116 of 2010, Trial No. 2294 of 2011, whereby and whereunder, the learned Magistrate after finding prima-facie case to be made out under sections 323 and 380/34 of the I.P.C. passed order for issuance of summons against the petitioners in connection with the aforesaid complaint case. Now the complainant does not want to proceed with the complaint in view of compromise arrived at between the parties.

In view of above, this Criminal Miscellaneous is hereby allowed and the impugned order dated 10.01.2011 passed in CR No. 116 of 2010/ Tr. No. 2294 of 2011 stands quashed and consequently the entire complaint case stands quashed.

In the result, in view of compromise this Criminal Miscellaneous stands allowed.

(Jitendra Mohan Sharma, J)

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