

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22084 of 2014

Arising Out of PS.Case No. -56 Year- 2011 Thana -KHAJEKALA District- PATNA

- =====
1. Pinku Yadav Son of Sri Prahlad Yadav
 2. Sita Raj @ Sita Devi Wife of Sri Raj Kumar, both resident of Noon Ka Chouraha, P.S- Khajekalan, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Parwati Devi Wife of Sri Anil Kumar, Resident of Noon Ka Chouraha, Hazari Mohalla P.S- Khajekalan, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Adv.
For the Opposite Party No.1: Mr. Ashok Kumar, APP
For the Opposite Party No.2 : Mr. Vinay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-08-2017 Heard Shri Prakash Chandra Agrawal, the learned counsel for the petitioners, Shri Ashok Kumar, the learned Additional Public Prosecutor appearing for the State and Shri Binay Kumar, the learned counsel appearing for the Opposite Party No.2.

At the very outset, the learned counsel for the petitioners and the learned counsel for the Opposite Party No.2 have presented a compromise petition, duly affidavitted, and submit that since the matter has been amicably settled between the parties, no useful purpose would be served in continuing with the criminal proceedings.



Shri Prakash Chandra Agrawal, the learned counsel for the petitioners, has also produced a copy of the judgment of the Hon'ble Supreme Court reported in (2014)6 SCC 466 [**Narinder Singh and Ors. Vs. State of Punjab and Anr.**] and submits that it has been held in the said judgment that when there is a compromise between the parties, the High Court should act under powers given to it under Section 482 Cr. P. C., on the basis of the said compromise and quash the proceedings, even in respect of such offences not covered within the four corners of Section 320 of the Criminal Procedure Code and the guiding factor should be as to whether the ends of justice would justify such exercise of power.

Having regard to the facts and circumstances of the case, I find that the matter being trivial in nature, it would be in the interest of justice to quash the criminal proceedings on the basis of the compromise entered into between the parties.

It would be relevant to reproduce the terms of compromise between the petitioners and the Opposite Party No.2 herein below:-

“4. That both the parties undertake to treat each other with due respect for restoring harmony and happiness.

5. That both parties have resolved their dispute



amicably outside the court and agreed to maintain peace between them.

6. That it is stated and opposite party no.2 does not want to proceed further any more with the case filed by her against the petitioners.”

For the reasons stated herein above, the impugned order dated 05.09.2011 passed by the learned A.C.J.M., Patna City, Patna in Khajekalan P.S. Case No. 56 of 2011 dated 11.06.2011, Special Case No. 38 of 2012, by which cognizance has been taken against the petitioners, is set aside along with the criminal proceedings emanating therefrom.

It is expected that the aforesaid terms of compromise shall be duly followed by the parties.

The petition is disposed of in the aforesaid terms.

(Mohit Kumar Shah, J)

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