

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29063 of 2013

Arising Out of PS.Case No. -635 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Kailash Modi, S/o Late Rameshwar Modi,
 2. Paswan Modi, S/o Kailash Modi
 3. Ajay Modi, S/o Kailash Modi,
All R/O Village- Putki, P.S.- Putki, District- Dhanbad (Jharkhand)

.... Petitioners

Versus

1. The State of Bihar
2. Chandra Bhushan Prasad, S/o Late Sita Ram Prasad, R/o Village-
Laxmipur, P.S.- Purusotampur, District- West Champaran.

.... Opposite Parties

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with

Criminal Miscellaneous No.18466 of 2013

Arising Out of PS.Case No. -1263 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

- =====
1. Kailash Modi, S/o Late Rameshwar Modi
 2. Pawan Modi, S/o Kailash Modi
 3. Ajay Modi, S/o Kailash Modi
All R/o Village Putki, P.S. Putki, District Dhanbad (Jharkhand).
 4. Ahilya Devi, W/o Kashinath Modi
 5. Chandan Modi, S/o Kashinath Modi
Both R/O Village Sabalpur, P.S. Sariya, District Giridih (Jharkhand).

.... Petitioners

Versus

1. The State Of Bihar
2. Chandra Bhushan Prasad, S/o Late Sita Ram Prasad, R/o Village-
Laxmipur, P.S.- Purusotampur, District- West Champaran.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.29063 of 2013)

For the Petitioner/s : Mr. Jharkhandi Upadhyay
For the Opposite Party/s : Mr. Md. Fahemuddin (App)

(In Cr.Misc. No.18466 of 2013)

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. A.K.Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 07-09-2017 Criminal Miscellaneous No. 29063 of 2013 has been filed for quashing the order dated 11.06.2012 passed by Sri A.K. Pandey, Judicial Magistrate, 1st Class, Bettiah (West Champaran) whereby and whereunder the learned Magistrate has summoned the petitioners (accused persons) to face trial under Sections 323, 379, 467 & 468 of the Indian Penal Code in Complaint Case No. 635(C) of 2012 whereas Criminal Miscellaneous No. 18466 of 2013 has been filed for quashing the order dated 10.10.2012 passed by learned S.D.J.M., Bettiah (West Champaran) in Complaint Case No. 1263 (C) of 2012, Trial No. 1999(C) of 2012, whereby and whereunder the learned S.D.J.M. Bettiah (West Champaran) has summoned the petitioners to face trial for committing the offences under Section 323, 379, 467 & 468 of the Indian Penal Code.

In both the complaint cases, the complainant is the same namely Chandra Bhushan Prasad, whereas in Complaint Case No. 635(C) of 2012 there are only three accused persons and in Complaint Case No. 1263 (C) of 2012 there are five accused persons including the three accused persons of Complaint Case No. 635 (C) of 2012.

Under the circumstances, both the criminal



miscellaneous have been heard together and are being disposed of by this common order.

At the very outset, it has been submitted that during pendency of this criminal cases good sense has prevailed between the parties and in both the cases compromise petition has been filed which is duly supported with affidavit of the complainant Chandra Bhushan Prasad. No public policy is involved in the two cases and, as such, on the basis of compromise the impugned orders passed in both the cases should be quashed for the ends of justice, so that the parties may not be harassed in future, the complainant Chandra Bhushan Prasad has also filed Vakalatnama executed in favour of Bimlesh Kumar Pandey. It is submitted that in view of the compromise arrived between the parties, both parties are living peacefully and now there is no dispute of any kind.

On behalf of the opposite parties no objection has been raised.

The learned A.P.P. fairly submits that in view of compromise lenient view can be taken.

Having considered the submissions aforesaid and going through the material, it is manifest that compromise petition has been filed in both the cases and in support of the



compromise petition, the complainant Chandra Bhushan Prasad has sworn affidavit also. As good sense has prevailed between the parties and both the parties are not willing to proceed with the complaint cases further and, as such, the impugned order passed dated 11.06.2012 in Complaint Case No. 635 (C) of 2012 and order dated 10.10.2012 passed in Complaint Case No. 1263 (C) of 2012, Trial No. 1999 (C) of 2012 are hereby quashed and accordingly the proceeding of both the criminal cases are being quashed.

In the result, both the criminal miscellaneous are hereby allowed.

(Jitendra Mohan Sharma, J.)

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