

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37202 of 2014

Arising Out of PS.Case No. -1250 Year- 2012 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

- =====
1. Dwarika Ram @ Butan Ram Son of Late Bendhu Ram
 2. Binda Devi Wif eof Dwarika Ram @ Bulan Ram Both are resident of village -
Tiyara, P.S. - Ramsarh, District- Kaimur, at Present - Oriyantal Koilayari, Indra
Nagar, Quarter No. 2, KG, P.S. - Budhojay, District- Jharsugara (Odisa).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Phulwasi Devi D/o Sukhpal Ram Resident of Village - mapalpur, P.S. - ramgarh,
District- Kaimur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.

For the Opposite Party No.1 : Mr. Sharda Kumari, APP

For the Opposite Party No.2 : None.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 06-09-2017

Heard Shri Rajesh Kumar Mishra, the learned counsel
for the petitioner and Mrs. Sharda Kumari, the learned Additional
Public Prosecutor appearing on behalf of the State.

On last occasion i.e. 30.08.2017, it was submitted by the
learned counsel for the petitioner that settlement has already taken
place between the parties and, in fact, the Opposite Party No.2 has
filed a petition dated 20.01.2016 before the learned court of Judicial
Magistrate, Ist Class, Bhabhua (Kaimur) stating therein that the matter
has been compromised and both the parties are living peacefully. To
that effect the petitioner has filed a supplementary affidavit bringing



on record the said joint compromise petition signed by both the husband and wife on 12.06.2016. The learned counsel for the Opposite Party No.2 was not present on the last occasion i.e. 30.08.2017, though on 23.08.2017 the learned counsel for the Opposite Party No.2 had undertaken to verify as to whether the said compromise petition has been entered into or not. The matter was adjourned on 30.8.2017, giving liberty to the learned counsel for the petitioners and the learned counsel for the Opposite Party No.2 to attend the proceedings and to make their submissions. However, again today, the learned counsel for the Opposite Party No.2 is not present and thus, this Court does not find it appropriate to further adjourn the proceeding, for the reason that since a compromise has been arrived at between the parties, the Opposite Party No.2 appears to have lost her interest. That is why none has appeared on her behalf.

It is a settled law that case where the compromise has been reached and settlement has been made, the High Court in exercise of inherent powers under Section 482 of the Code of Criminal Procedure should quash the proceedings since no useful purpose will be served by continuing the criminal prosecution and overburden the courts, already overburdened with trivial uncalled for and unnecessary proceedings.

In this regard, reference be had to a judgment of the



Hon’ble Apex Court rendered in the case of **Narinder Singh and Ors. Vs. State of Punjab and Anr.** reported in (2014)6 SCC 466.

For the reasons stated herein above, the order dated 04.06.2013 passed by the learned Chief Judicial Magistrate, Bhabhua (Kaimur) in Complaint Case No. 1250 of 2012 is set aside and all the criminal prosecution emanating therefrom is also quashed.

The petition is allowed. However, there shall be no order as to costs.

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-09-2017
Transmission Date	14-09-2017

