

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36858 of 2014

Arising Out of PS.Case No. -116 Year- 2012 Thana -BASOPATTI District- MADHUBANI

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1. Raja Kumar Paswan Son of Upendra Paswan
2. Rohit Kumar Paswan Son of Yogendra Paswan
3. Mukesh Kumar Paswan Son of Yogendra Paswan
4. Manish Kumar Paswan Son of Upendra Paswan
5. Yogendra Paswan Son of Late Sukhdeo Paswan
6. Gulab Devi @ Gulabi Devi wife of Yogendra Paswan All resident of Village - Parasa, P.S. - Basopatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indrajeet Kumar Paswan Son of Gauri Shankar Paswan resident of Village - Parasa, P.S. - Basopatti, District - Madhubani.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 37228 of 2015

Arising Out of PS.Case No. -117 Year- 2012 Thana -BASOPATTI District- MADHUBANI

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1. Bauyelal Paswan, Son of Lal Bihari Paswan.
2. Indrajit Paswan @ Indrajit Kumar Paswan son of Gauri Shankar Paswan.
3. Indal Paswan @ Indral Paswan, son of Gauri Paswan All residents of Village- Hathapur Parsa, P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar Paswan, son of Yogendra Paswan, residents of Village- Hathapur Parsa, P.S.- Basopatti, District- Madhubani.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.36858 of 2014)

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the informant : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pushpa Lata, APP

(In Cr.Misc. No.37228 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the State : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD



ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioners and the respondents.

On 23.08.2017 when this matter was listed, the counsel appearing for the Opposite Party No. 2 had made a submission that he also had filed an application bearing Cr.Misc. No. 37228 of 2015 for quashing of the counter case instituted at the instance of the petitioner of the instant case.

On a joint prayer made by both the parties it was directed to place both the cases together for consideration.

Today both the matters being instant case and the Cr. Misc. No. 37228 of 2015 are listed before this Court for consideration.

Both the counsels appearing for the petitioners in the two cases have submitted that the dispute arose due to discharge of some water by hand pump in the field of the petitioners in the two cases. On such dispute, scuffle took place where after case and counter case were filed. The two cases filed by both the parties are Basopatti P.S. Case No. 116 of 2012 for the alleged offences under Sections 147,341,323,307/504 of the Indian Penal Code as well as Basopatti P.S. Case No. 117 of 2012 for the offences under Sections



341,323,307 and 504 IPC. Both the parties who are accused in the aforesaid two cases, are neighbours and in view of the restoration of the harmony between the parties they have jointly prayed that they do not wish to proceed any further with this unwanted litigation, which is founded on a trivial dispute, which no longer exists. They further submitted that they do not want to proceed further in the two cases pending against each other.

In view of the aforesaid submissions, no useful purpose would be served by keeping the two proceedings arising out of Basopatti P.S. Case Nos. 116 of 2012 and 117 of 2012, pending. Thus, the order taking cognizance dated 02.08.2012 passed by the learned Judicial Magistrate 1st Class, Madhubani in Tr. No. 3549 of 2013 arising out of Basopatti P.S. Case No. 116 of 2012 and the order taking cognizance dated 04.04.2013 passed by the Chief Judicial Magistrate, Madhubani in Tr. No. 3447 of 2013 arising out of Basopatti P.S. Case No. 117 of 2012 as also the entire proceedings arising of the said two cases are hereby quashed.

Both the applications are allowed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	8/9/2017
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