

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28860 of 2012

Arising Out of PS.Case No. -150 Year- 2011 Thana -null District- AURANGABAD

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1. Anil Tiger, son of Rajaram Singh
2. Bharat Singh, son of Nathuni Singh
3. Chhedi Singh, son of late Soharai Singh
4. Surendra Singh, son of Niranjan Singh
5. Sanjay Singh @ Bhola, son of Shankhadeo Singh @ Loha Singh
6. Sunil Singh, son of Narayan Singh
7. Binod Singh, son of Daroga Singh
8. Dinesh Singh, son of Ram Nandan Singh
9. Rakesh Singh, son of Bharat Singh
10. Santosh Kumar Singh, son of Debraj Singh
11. Shiv Nandan Singh, son of Kariman Singh
12. Bharat Singh, son of Mukhadeo Singh
13. Ramadhar Singh, son of Dhura Singh
14. Saroj Kumar, son of Dharamjit Singh
15. Bikash Kumar, son of Rama Nandan Singh

All resident of village - Chandra Bigha, P.S. Barun, Distt. - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Baij Nath Ram, son of Kameshwar Ram, resident of village - Chandra Bigha, P.S. Baroon, Distt. - Aurangabad (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Satyendra Nr. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 29-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 13.2.2012 passed by the learned Chief Judicial Magistrate, Aurangabad, by which he has taken cognizance against the petitioners for the offence under Sections 147, 149, 341, 323, 504 of the Indian



Penal Code and Section 3(X) of SC/ST. Act.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. It has been submitted on behalf of the petitioners that in the instant case, cognizance has been taken for the offence under Sections 147, 149, 341, 504 of the Indian Penal Code and Section 3(X) of SC/ST Act. It has further been submitted that all the sections of Indian Penal Code except Section 3(X) of SC/ST Act are bailable and compoundable.

4. The parties have filed compromise petition before the Executive Magistrate, Aurangabad, stating therein that they have compromised the case and cognizance under Section 3(X) of SC/ST Act is not made out in the case on the basis of allegation made in the complaint.

5. In the written report filed by the informant, it is alleged that informant was constructing temple of Ravi Das. In the meantime, the petitioners arrived armed with deadly weapons and abused the informant by taking his caste name. The accused persons started filling up foundation of the temple and when the informant objected, all the petitioners assaulted the informant with fists and slaps. The accused persons also abused the informant by taking his caste name.



6. Learned counsel for the petitioner has submitted that the instant case has been filed as a counter blast of Baroon P.S. Case No. 151 of 2011 dated 16.07.2011 filed against the informant and his supporters by Rakesh Singh (petitioner No. 9) alleging that the informant along with others were making construction on *Gair Mazarua* land which was used by the villagers.

7. The attention of this Court was drawn to Annexure-5 which is a compromise petition filed between the parties before the Executive Magistrate, Aurangabad, stating therein that compromise has taken place between both the parties, in the instant case as well as in Baroon P.S. Case No. 159 of 2011 filed by Rakesh Singh (petitioner No.9).

8. This Court after looking into the allegation in the written report finds that there is general and omnibus allegation that accused persons abused the informant by taking his caste name. There is no any specific allegation that they have abused the informant at public place with intention to humiliate the informant.

9. Accordingly, this Court does not find necessary ingredients of Section 3(X) of SC/ST Act and other offences in which the cognizance has been taken by the learned Magistrate by the impugned order, are compoundable. The compromise has already taken place between the parties. Therefore, continuation of the



Criminal Proceeding against the petitioners, in the facts and circumstances of the case, will be mere harassment to them.

10. In such circumstances, the impugned order dated 13.2.2012 passed by the learned Chief Judicial Magistrate, Aurangabad, along with the entire Criminal Proceeding against the petitioners in connection with Baroon P.S. Case No. 150 of 2011 is hereby quashed.

11. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21/09/2017
Transmission Date	21/09/2017

