

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50784 of 2014

Arising Out of PS.Case No. -99 Year- 2011 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Ramesh Kumar Gupta, son of Mangal Sao, resident of village- Panchmandir,
P.S.- Bhagwanpur Bazar, District- Chapra

.... Petitioner/s

Versus

1. The State of Bihar,
2. Rinki Kumari, D/o Shukhdeo Prasad, resident of village- Digha Dubauli, P.S
Baikunthpur, District Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

Mr. Surendra Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 08-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.11.2014 passed by the Sub-Divisional Judicial Magistrate, Gopalganj, in Tr. No.3612 of 2014 arising out of Baikunthpur P.S. Case No.99 of 2011, whereby the petition filed by the petitioner to drop the proceeding on the basis of compromise in terms of the observation given by Hon'ble High Court in the order dated 25.09.2014 passed in Cr. Misc. No.38262 of 2014 has been rejected.

2. From the impugned order, it appears that after filing of the compromise petition, the petitioner remained absent from the Court since 10.03.2014. It is further mentioned that a petition was filed on behalf of the Informant on 31.10.2014 to cancel the compromise petition as her signature was obtained fraudulently on the aforesaid petition. The informant has further stated before the



Court below that she never received rupees two lac fifty thousand. The learned Court below has mentioned in the impugned order that the petitioner did not produce any proof in respect of making payment of rupees two lac fifty thousand to the Informant –Opposite Party No.2. The petition for cancellation of compromise petition filed in the Court below was supported with Affidavit dated 07.11.2014 of the Informant. The petitioner remained absent from the Court since 10.03.2014.

3. In such circumstances, the Court below has rejected the petition filed on behalf of petitioner to drop the proceeding on the basis of the compromise and directed the petitioner to appear in the Court for further proceeding in the case.

4. This Court does not find any illegality in the impugned order dated 18.11.2014 passed by the Sub-Divisional Judicial Magistrate, Gopalganj, in Tr. No.3612 of 2014 arising out of Baikunthpur P.S. Case No.99 of 2011.

5. The application is, accordingly, dismissed.

6. Learned Court below is directed to proceed with the trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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