

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16085 of 2014

Arising Out of PS.Case No. -414 Year- 2012 Thana -PHULWARI District- PATNA

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1. Poonam Sharma W/O Shri Kamlesh Kumar
2. Kamlesh Kumar S/O Late Ram Niwas Sharma Both Resident Of Village - New Khajpura, P.S. - Phulwari Sharif, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Rashmi W/O Shri Arun Kumar Singh R/O Anandpuri, P.S. - Road Khagaul, District - Patna

.... Opposite Party/s

with

Criminal Miscellaneous No. 20003 of 2014

Arising Out of PS.Case No. -440 Year- 2013 Thana -PHULWARI District- PATNA

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1. Kumari Rashmi, Wife of Arun Kumar Singh Resident of Prakash Nagar, P.S- Phulwari, Distt- Patna
2. Arun Kumar Singh Son of Late Ram Naresh Singh Resident of Prakash Nagar, P.S- Phulwari, Distt- Patna
3. Kaushal Kuamr Son of Nagendra Singh Residnet of C/O- Arun Kumar Singh, Prakash Nagar, P.S- Phulwari, Distt- Patna
4. Sumit Kumar Singh @ Sumit Kumar, Son of Shawaliya sharan Singh, Resident of Anandpuri-Khagaul Road, P.S- Khagaul, Distt- Patna
5. Anil Kumar Singh Son of Late Ramdeo Singh Resident of Anandpuri-Khagaul Road, P.S- Khagaul, Distt- Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Punam Sharma, Wife of Kamlesh Kumar Resident of Prakash Nagar(In Front of Biscut Factory) P.S- Phulwari sharif, Distt- Patna

.... Opposite Party/s

with

Criminal Miscellaneous No. 21552 of 2014

Arising Out of PS.Case No. -439 Year- 2013 Thana -PHULWARI District- PATNA

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1. Kamlesh Kumar S/o Late Ram Niwas Sharma R/o Village New Khajpura, P.S. Phulwari Sharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Rashmi W/o Shri Arun Kumar Singh R/o Anandpuri, P.S. Road



Khagaul, District Patna.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 8368 of 2015

Arising Out of PS.Case No. -64 Year- 2013 Thana -DANAPUR District- PATNA

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1. Kamlesh Kumar Son of late Ram Niwas Sharma R/o Village - New Khajpura
P.S. Phulwari Sharif District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

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Criminal Miscellaneous No. 55019 of 2015

Arising Out of PS.Case No. -440 Year- 2013 Thana -PHULWARI District- PATNA

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1. Poonam Sharma W/o Shri Kamlesh Kumar r/o village - New Khajpura, P.S.
Phulwari Sharif, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Rashmi W/o Arun Kumar Singh
3. Sumit Kumar Singh S/o Sawaliya Sharan Singh
4. Arun Kumar Singh S/o Late Ram Naresh Singh
5. Anil Kumar S/o Ram Deo Singh, r/o Prakash Nagar(In Front of Biscuit Factory)
P.S- Phulwari sharif, Distt- Patna

.... Opposite Party/s

with

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Criminal Miscellaneous No. 53144 of 2017

Arising Out of PS.Case No. -3421 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Kumari Rashmi, Wife of Arun Kumar Singh,
2. Arun Kumar Singh, Son of Late Ram Naresh Singh, both resident of Mohalla-
New Sabajpura, Prakash Nagar Khalilpura P.S. Phulwarisarif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Sharma, wife of Kamlesh Kumar, Resident of Mohalla- New Sabajpura,
Prakash Nagar Khalilpura P.S. Phulwarisarif, District- Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16085 of 2014)

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. S. Dayal (APP)
For O.P. No. 2 : Mr. Arvind Kumar, Adv.
: Mrs. Soni Srivastava, Adv.

(In Cr.Misc. No.20003 of 2014)

For the Petitioner/s : Mr. Lal Bahadur Pandey
For the Opposite Party/s : Mr. Uma Nath Mishra, APP

(In Cr.Misc. No.21552 of 2014)

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. Ahmad Ali, APP

(In Cr.Misc. No.8368 of 2015)

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. Amitesh Kumar, APP

(In Cr.Misc. No.55019 of 2015)

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. Shakir Ahmad, APP

(In Cr.Misc. No.53144 of 2017)

For the Petitioner/s : Ms. Soni Srivastava
Ms. Madhuri Kumari
For the Opposite Party/s : Mr. Anil Prasad Singh, APP 210

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 09-01-2018

All these cases have been taken up together and are being disposed off by a common order, for the reason that the parties in all these cases are same and a settlement seems to have been arrived at between them.

The parties, i.e. Poonam Sharma and Kamlesh Kumar on one side and Kumari Rashmi, her husband Arun Kumar Singh and some others on the other side are next door neighbours, who are said to have purchased their respective plots of land situated at Tauzi No. 5557, Thana No. 54 Khata No. 227 Khesra No. 959, 960, 961 and 962 from a common vendor, viz. Dwarika Singh, by registered sale deeds.



Poonam Sharma and ors. have purchased the plot of land vide sale deed no. 5480 and Kumari Rashmi and others have purchased the contiguous plot vide sale deed no. 5841. Both the sale deeds are dated 24.09.2004. Because of the dispute over the measurement of the respective shares of land, cases were filed against each other; out of which, six cases are on board today, which are being disposed off by this common order.

Phulwarisharif P.S. Case No. 414/2012 (Cr. Misc. No. 16085/2014) has been lodged by Kumari Rashmi against Poonam Sharma and her husband, in which on behalf of Poonam Sharma and her husband, a prayer has been made for quashing of the entire criminal proceedings in the aforesaid police case. In this case, after submission of the charge-sheet, cognizance has been taken.

Similarly, in Phulwarisharif P.S. Case No. 439/2013 (Cr. Misc. No. 21552/2014), lodged by Kumari Rashmi against Kamlesh Kumar, cognizance has been taken on 28.02.2014 and the petitioner therein has challenged the aforesaid order of cognizance. Two other cases against Kamlesh Kumar and Poonam Sharma, viz. Phulwarishari P.S. Case No. 440/2013 and Danapur P.S. Case No. 64/2013 have also been lodged by Poonam Sharma and by a Clerk of the Circle Office respectively.

In Danapur P.S. Case No. 64/2013, the petitioner has



challenged the order of cognizance, whereas in Phulwarisharif P.S. Case No. 440/2013, Poonam Sharma and others have challenged the order passed by the court below, allowing the application of Kumari Rashmi and others under Section 205 of the Code Criminal Procedure. Cr. Misc. No. 20003/2014, arising out of Phulwarisharif P.S. Case No. 440/2013 and Cr. Misc. No. 53144/2017, arising out of Complaint Case No. 3421/C/2012 have been filed by Kumari Rashmi and her husband against the order of cognizance dated 28.02.2014 and 15.03.2013 respectively.

In all these cases, because of the good sense having prevailed upon the parties and with the intervention of friends and well-wishers, the parties have decided to bury the hatchet and resolved to live peacefully as good neighbours. Since the allegations levelled in all these cases arise out of the dispute over the measurement of land, as has been stated earlier, no useful purpose would be served in keeping the aforesaid prosecution against the parties alive.

For the aforesaid reason, the cognizance orders dated 28.02.2014, 28.02.2014, 12.07.2013, 17.09.2015 and 15.03.2013 in all such cases are set aside. All the proceedings, emanating out of the aforesaid cases, are also quashed.

So far as Cr. Misc. No. 55019/2013 is concerned, which



has been filed by Poonam Sharma against the order passed by the court below, allowing the application under Section 205 of the Code of Criminal Procedure on behalf of Kumari Rashmi and others, is permitted to be withdrawn. While saying so, this Court takes note of the fact that the parties have been in possession of their respective shares, which was purchased from a common vendor and that times without number, this Court as well as the Apex Court have held that civil dispute should not give rise to criminal cases. The forum of law cannot be made to be a play field between the parties for them to agitate their respective claims arising out of civil dispute and give it a colour of criminal case. Since the parties have themselves decided, though after a long lapse of time, to settle their disputes, this Court will not come in the way of such resolve of the parties. In a case of ***Gyan Singh Vs. State of Punjab & another*** reported in (2012) 10 SCC 303, the Supreme Court has held that in cases of this kind where there is settlement between the parties and the offences do not have the tendency of disturbing the even tempo of life, settlement should always be promoted and in appropriate cases, such settlement should get an imprimatur of the Court.

For the reasons stated above, the cognizance order in Phulwarisharif P.S. Case No. 414/2012, Phulwarisharif P.S. Case No. 440/2013, Phulwarisharif P.S. Case No. 439/2013, Danapur P.S. Case



No. 64/2013 and Complaint Case No. 3421/C/2012 are set aside.

This Court has also been informed that there are two other cases between the parties, viz. Complaint Case No. 294/2013 and Phulwarisharif P.S. Case No. 284/2013, both of which have been lodged by Poonam Sharma and others against Kumari Rashmi and others. The parties have informed this Court and have also undertaken to file appropriate petitions before the concerned courts for withdrawal of such cases. In case, such a petition is filed within a period of four weeks hereafter, the courts concerned shall, after taking into account that a holistic settlement has been arrived at between the parties, pass necessary orders in accordance with law and keeping in mind that the other cases between the parties have already been quashed by this Court.

Mr. Abhay Kumar Singh, learned Advocate on behalf of Poonam Sharma, gives an undertaking that Cr. W.J.C. No. 1214/2016 shall be withdrawn within the aforesaid period of four weeks.

With the settlement of the aforementioned cases, there would be no justification of keeping the Title suit viz. 259/2013 filed by Kumari Rashmi to be allowed to remain pending for adjudication. Ms. Soni Srivastava, learned Advocate on behalf of Kumari Rashmi (Plaintiff), has also undertaken before this Court that the aforesaid



Title Suit also shall be withdrawn within the aforesaid period of four weeks.

With this, no dispute would remain pending between the parties. This Court must express its pleasure over the co-operation of Mr. Abhay Kumar Singh and Ms. Soni Srivastava, learned Advocates appearing for the respective parties, in as much as they have put in a lot of labour and efforts to facilitate their respective clients in coming of an amicable settlement.

All the petitions are disposed of accordingly.

(Ashutosh Kumar, J.)

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AFR/NAFR	
CAV DATE	N.A.
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