

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3938 of 2015

Arising Out of PS.Case No. -1850 Year- 2011 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

=====

Md. Masood, son of late Nesar Ahmad, R/o village & P.S. Sakri, District-
Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Punita Devi, wife of Anil Paswan, R/O village- Kabirchak, P.S. Sadar, District-
Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party/s : Dr. Indiwari Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 29-01-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.11.2014 passed by the learned 2nd Additional Sessions Judge, Darbhanga, in Sessions Trial No. 66 of 2014 arising out of Complaint Case No. 1850 of 2011 by which the learned court below has rejected the petition for discharge filed under Section 227 Cr. P.C.

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

3. Learned counsel for the petitioner has submitted that compromise petition has been filed in the court below. He has further submitted that at the time of hearing of discharge petition, it was pointed out before the court below that parties have already compromised the



matter, but the learned court below has rejected the petition filed by the petitioner.

4. Learned counsel for the State has appeared and submitted that any Sessions triable case merely by filing of compromise petition, cannot be closed. The offence under Sections 376/511 of the Indian Penal Code is non compoundable.

5. From the impugned order, this Court finds that after perusing the record and also the allegation in the complaint petition, the court below has rejected the petition of discharge under Section 227 Cr. P.C. on the ground that there was sufficient material to frame charge against the petitioner under Sections 376/511 of the Indian Penal Code.

6. Therefore, this Court does not find any illegality in the impugned order passed by this Court.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The court below is however directed to proceed in the trial in accordance with law after framing of charge in this case and make efforts to conclude the trial as early as possible preferably within a period of six months from the date of receipt of this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02/02/2018
Transmission Date	02/02/2018

