

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15195 of 2014

Arising Out of PS.Case No. -251 Year- 2012 Thana -SHASTRINAGAR District- PATNA

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1. Rakesh Kumar, s/o Shri Shyam Narain Sinha, R/O:- House No. 120, North Anandpuri, West Boring Canal Road, P.S.- Sri Krishnapuri, District- Patna,
2. Ashutosh Kumar, s/o Dr. Anil Kumar, R/O:- Abha Niwas, House No.9, Nitibagh Colony, Bailey Road, Jagdeopath, P.S.- Rupaspur, District- Patna
.... Petitioner/s

Versus

1. The State of Bihar,
2. Smt. Sumitra Yadav, w/o Shri Ramashray Yadav, R/O:- 1, Shivpuri, Near Railway Line, P.S.- Shastri Nagar, District- Patna
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date: 03-04-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.12.2013 passed by the Judicial Magistrate, 1st class, Patna, in Shastri Nagar P.S. Case No.251 of 2012 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 406, 420, 504, 506/34 Indian Penal Code.

Counsel for the petitioners has submitted that during pendency of this application compromise petition has been filed between the parties, which is annexed as Annexure-12. Counsel for the petitioner further submits that after filing of such compromise petition, Advocate Commissioner was also sent to the place of occurrence and he also submitted the report.



From the Compromise Petition annexed by the petitioners as Annexure-12, it appears that there were several clauses mentioned in the aforementioned compromise petition, which was to be complied by the Builder as well as landlord. These are all question of facts, which this Court cannot adjudicate in the application under Section 482 Cr. P. C.

Therefore, this Court does not find any reason to interfere with the impugned order on this ground.

This application is, accordingly, **dismissed**.

Petitioners are given liberty to file necessary compromise petition in the Court below. In the event, the Court below after verifying all the facts as mentioned in the compromise petition comes to the conclusion, that both the parties have entered into amicable settlement, and matter has been compromised, as per compromise petition, filed in the High Court, the Court below will pass appropriate order in accordance with law as all the Sections in which cognizance has been taken, are compoundable by the permission of Court.

J.Alam/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11-04-2018
Transmission Date	11-04-2018

