

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26228 of 2011

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Kumari Kamala Sinha @ Kamla Kumari Sinha daughter of Late Schidanand Prasad resident of Mohalla- Khalashi, P.O. Jhajha, P.S. Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumari Devi Wife of Umesh Kumar, resident of Mohalla- Khalasi,
P.O.- Jhajha, P.S. Jhajha, District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sanjiv Sharan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Despite notice having been served on opposite party no. 2 and learned counsel also entering appearance, nobody was present when the case was taken up and heard.



3. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That an application is being filed on behalf of the petitioner abovesaid with a prayer to quash the order dated 9.10.2009 passed by learned CJM, Jamui, in Jhajha P.S. Case No. 153 of 2009, whereby cognizance has been taken under section 341/504/448/34 of the Indian Penal Code and ¾ of the Dian Act”

4. The petitioner along with two others has been made accused by the opposite party no. 2 (informant) and the allegation is that the petitioner along with her brother and niece entered into his house on 22.07.2009 at about 10.30 A.M. while the informant was worshipping and all of them called her witch and abused her and threatened to kill her when she resisted.

5. Learned counsel for the petitioner submitted that she is a 70 years old lady and there is dispute with regard to the boundary between them as they are neighbours. It was further submitted that both the sides have filed a number of cases against each other and ultimately good sense has prevailed between them and they have finally compromised all issues on 19.01.2013 and have also reduced the same in writing before the witnesses.



6. Learned A.P.P. submitted that for the ends of justice, when the parties have compromised, the Court may pass appropriate orders.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case has been made out where the Court would exercise its inherent power to prevent abuse of the process of the Court and also to secure the ends of justice.

8. Accordingly, the application is allowed. The order dated 09.10.2009 passed in Jhajha P.S. Case No. 153 of 2009 by the C.J.M., Jamui stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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