

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25756 of 2011

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Kamala Kumari @ 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 above said with a prayer to
quash the order dated 15.09.2010 passed in
complaint case No. 189/c/2010 passed by Judicial
Magistrate 1st class Jamui, whereby cognizance
has been taken under section 380 of I.P.C. 3(x) of
the SC and ST (prevention of Atrocities) Act and*



3/4 of the prevention of witch (Dain) practice Act against the petitions and others.”

4. The petitioner along with five others have been made accused in Complaint Case No. 189C of 2010, in which cognizance has been taken against all the accused under Sections 380 of the Indian Penal Code and 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 3/4 of the Prevention of Witch Practices Act, 1999.

5. The allegation against the accused is that they entered into the house of the complainant (opposite party no. 2), who is their neighbour and abused her taking the caste name and then the complainant was pulled out and called a witch and thereafter, one of the accused took away gold chain worth Rs. 40,000/- and also a ring and a Philip transistor. Further, the allegation is that the informant was garlanded with shoes and told that nobody would be able to save her.

6. 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.
Learned counsel drew the attention of the Court to Annexure-12 to the supplementary petition filed on behalf of the petitioner which is copy of the compromise.

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

8. 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.

9. Accordingly, the application is allowed. The order dated 15.09.2010 passed in Complaint Case No. 189C of 2010 by the Judicial Magistrate, 1st Class, Jamui stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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