

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.905 of 2018

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- 1.Amrendra Kumar Singh @ Amrendra Singh son of Shri Awadesh Singh, R/o Village- Uma Nagar Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 - 2.Sunil Rai, son of Shri Ram Bilash Rai, R/o Village-Sandha, PS-Chapra Muffasil, District-Saran at Chapra.
 - 3.Lalchadra Rai, Son of Panchhi Rai, R/o village-Sandha, PS-Chapra Muffasil, District Saran at Chapra.
 - 4.Pappu Kumar Rai @ Pappu Rai, son of Prabhu Rai, R/o Village- Sandha, PS- Chapra Muffasil, District- Saran at Chapra.
 - 5.Ajay Kumar Yadav @ Ajay Kumar, Son of Ram Surat Yadav, R/o Village- Sandha, PS-Chapra Muffasil, District-Saran at Chapra.
 - 6.Ruchi Singh @ Ruvi Kumari, wife of Amrendra Singh @ Amrendra Kumar Singh, R/o Village- Uma Nagar Sandha, PS-Chpara Muffasil, District-Saran at Chapra.
 7. Arun Kumar @ Arun Singh, Son of Shri Awadhesh Singh, R/o Village- Uma Nagar Sandha, PS- Chapra Muffasil, District-Saran at Chapra.
 - 8.Devbrata Pandey, son of Shyam Sundar Pandey, R/o Village-Purnadih, PS-Marhawra, District-Saran.
 - 9.Kaishar Raja Anshari, son of Najmullah Ansari, R/o Village-Hasanpur, PS-Garkha, District-Saran.
 - 10.Daya Shankar Prasad @ Daya Shankar Rai @Dayashankar, son of Jamuna Rai, R/o Village-Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 - 11.Bittu Rai, son of Shailesh Kumar Rai, R/o Village-Uma Nagar Sandha, PS- Chapra Mufassil, District-Saran at Chapra.
 - 12.Abhay Kumar Singh alias Kabli Singh, son of Devi Dayal Singh, R/o Village-Uma Jagar Sandha, PS-Chapra Muffasil, District-Saran at Chapra.
 13. Mithlesh Rai, son of Tuntun Rai, R/o Village-Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 - 14.Mithlesh Rai, son of Tuntun Rai, R/o Village-Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 15. Kanhaiya Singh alias Kanhaiya Kumar Singh, son of late Harendra Singh, R/o Village- Uma Nagar Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 - 16.Mukesh Singh alias Kundan Singh, son of Krishna Kumar Singh, R/o Village- Uma Nagar Sandha, PS-Chapra Mufassil, District-Saran at Chapra.
 - 17.Harendra Rai @ Harendra Kumar Rai, son of Chait Rai, R/o Village-Sandha, PS-Chapra Mufassil, District-Saran at Chapra

.... Petitioner/s

Versus

- 1.The State of Bihar Through The Secretary, Home Department Government of Bihar, Patna.
- 2.The Director General of Police, Bihar, Patna.
- 3.The Inspector General of Police, Saran Range, Saran at Chapra.
- 4.The Deputy Inspector General of Police, Saran Range, Saran at Chapra.
- 5.Superintendent of Police, Saran, at and P.O-Chapra, District-Saran.
- 6.The Station House Officer, Chpara Muffasil Police Station, district-Saran.
- 7.Sri Prasuram Rai, Sub-Inspector, Chapra Mufassil Police Station being Investigating Officer of Chapra Mufassil P.S. Case No. 48 of 2018.



8. Pradeep Kumar Mishra, son of late Braj Kishore Mishra, R/o Prasad Bhawan, Dahiyawan, PS- Chapra Muffasil, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Respondent/s : Mr. Suman Kumar AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-10-2018 Considering the nature of allegations in the First Information Report, this Court is not convinced that the F.I.R. is fit to be quashed even if the petitioners claim that now the informant has filed an affidavit showing that he has entered into a compromise. It is well settled in law that quashment of a case being a First Information Report or an order taking cognizance based on compromise would depend upon the facts and circumstances of a particular case. No straight jacket formula can be provided for the same.

Learned counsel for the petitioner has also informed this Court that one of the petitioners namely Bittu Rai (Petitioner No. 11) has been acquitted by the learned trial Court on the basis of the said compromise.

Learned counsel for the State is present and has submitted that the allegations in the First Information Report are not in the nature of a personal allegation affecting one person. If the allegations in the F.I.R. are found to be correct in course of



investigation, it may be a case where several other persons may be affected. He has thus opposed the prayer for quashing of the First Information Report.

In the given facts and circumstances, on going through the contents of written complaint giving rise to the present case, this Court is of the considered opinion that it is not a fit case to quash the First Information Report, particularly, when one of the petitioners has himself informed this Court that he had participated in the trial and then acquitted.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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