

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1682 of 2018

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Lalit Mandal S/o Bhim Mandal, R/o Vill.- Serma, P.S.-
Rahika, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar, Through Director General of Police,
Bihar, Patna.
2. The Superintendent of Police, Madhubani.
3. The Dy. S.P. Madhubani, Sadar.
4. Police Inspector , Madhubani, Sadar.
5. S.H.O. , Rahika P.S., Madhubani.
6. I.O., Rahika P.S. Case No. 38 of 2018, Madhubani.
7. Badri Narayan Jha, S/o Dukhran Jha, R/o Vill.- Kanail,
P.S.- Rahika, District- Madhubani.

... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Manish Kumar (Gp-4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 27-09-2018

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

This writ application has been preferred
for quashing of the First Information Report (in
short the “F.I.R.”) of Rahika P.S. Case No. 38 of
2018 dated 12.04.2018 registered under Sections
341, 323, 324, 379/34 of the Indian Penal Code.

Respondent no. 7 in the present case
lodged a written report alleging that on 10.04.2018
at about 9.30 a.m. the informant was working as
Munsi at Ashok Int Udyog under Mauza – Jagatpur,
the accused no. 1 Ratan Mandal and Lalit Mandal



both sons of Bhim Mandal came there and started loading the bricks without making payment. It is alleged that when this was objected both of them assaulted him on his head because of which he became unconscious and thereafter took away the collection amount of Rs. 2 Lakhs. The informant alleged that he was admitted in Sadar Hospital for treatment of his injuries.

Learned counsel for the petitioner submits that after lodging of the F.I.R. both the parties have entered into compromise in order to by-peace as they have decided not to go further with the written complaint. At the time of grant of bail itself the informant appeared before the learned Additional Chief Judicial Magistrate, Madhubani and they compromised. It was submitted that the offences alleged under Section 341, 323 & 324 are the bailable offences and therefore except Section 379 of the I.P.C. the other offences were bailable. The accused persons-petitioners were granted regular bail by the learned court below when the informant appeared in the court by filing his attendance and conceded the factum of



compromise.

In the aforementioned circumstances, the informant (respondent no. 7) has again appeared through his lawyer before this court by filing an affidavit wherein he has stated that with the intervention of the well-wishers, family members and friends they have resolved all the differences and have amicably settled out. It is further stated that he is not willing to proceed with the case for which a joint compromise has been filed before the learned A.C.J.M. – 1st, Madhubani.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab** reported in **2012 (10) SCC 303** and in the case of **Dimpey Gujral Vs. UT. Chandigarh** reported in **2013 (11) SCC 497** and submits that in the given facts and circumstances to following the judgments of the Hon'ble Apex Court the present F.I.R. be quashed. It is submitted that in the present case it is only Section 324 of the I.P.C. which is not compoundable.

A counter affidavit on behalf of the



respondent no. 2 is also available on the record. In the counter affidavit it is stated that as per Section 320 of the Cr.P.C. the trial court has right to accept the compromise in compoundable offence, Section 341, 323 & 379 of the I.P.C. are compoundable whereas Section 324 I.P.C. is non-compoundable.

In course of argument also learned counsel for the respondent no. 7 has submitted that now respondent no. 7 is well settled with the petitioner and they are living happily, therefore based on the compromise the F.I.R. may be quashed.

Considering the facts and circumstances of the case where the petitioner as well as the informant are living in the same locality under the same and one police station and in order to buy peace in their life they have entered into a settlement and now the respondent no. 7 has no grievance with the petitioner as also that this court finds the nature of dispute is such that it is not likely to affect others if the parties are allowed to settle out with the compromise, this court would quash the F.I.R.



The F.I.R. being Rahika P.S. Case No. 38
of 2018 dated 12.04.2018 is quashed, and this
application is allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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