

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7050 of 2016

Arising Out of PS.Case No. -1181 Year- 2014 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

=====

Jyoti Shankar Singh @ Buttan Singh son of Sri Kameshwar Singh resident
of village - Basuhara, Police Station - Sasaram (Muffasil), District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 25-10-2018

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

The charge sheet has been filed under non-compoundable offences on the basis thereof, vide order dated 21.07.2015, the order impugned petitioner has been summoned to face trial for an offence punishable under Section 384, 386, 387, 379, 427, 34 of the IPC. It is also evident from Annexure-3 that during the intervening period parties have comprised the case. Under the garb of Annexure-3, the order of cognizance has been put under challenge irrespective of the fact that sufficient material was found during course of investigation, on the plea that as case has been compromised therefore, there is no prospective of conviction of the accused whereupon, it will be a futile attempt at the end of the court to proceed with the trial. That being so, the order of cognizance is



fit to be set aside.

The learned A.P.P. opposed the prayer.

In ***Gian Chand & others v. State of Haryana*** reported in ***2013(4) PLJR 7 (SC)*** it has been held that if the occurrence as alleged happens to be in between the family members, personal in nature would be governed by the subsequent activity of compromise. If the nature of the offence goes out of being personal one or, happens to be severe, then in that circumstance, compromise would not operate the sole criteria for quashing of the order of the cognizance. Accordingly, petition is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

U		T	
---	--	---	--

