

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48921 of 2015

Arising Out of PS. Case No.-33 Year-2014 Thana- BUXAR District-
Buxar

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1. Gajadhar Pathak S/o Late Hari Pathak,
2. Jitendra Pathak, S/o Gajadhar Pathak,
3. Sanjay Pathak, S/o Gajadhar Pathak,
4. Pradeep Pathak, S/o Ram Gesari Pathak, All resident of
village - Jaso, P.S. - Buxar (Mufassil), District - Buxar.
5. Mangal Bihari Rai, s/o Late Gajadhar Rai, Resident of
Village - Araila, P.S. - Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Devendra Pathak, S/o Late Gorakh nath Pathak, Resident of
Village - Jaso, P.s. Buxar(M), District - Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Adv

For the Opposite Party/s : Mr. Ram Bachan Singh, App

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 12-12-2018

The petitioners have preferred the present petition
for quashing of the F.I.R viz. Buxar(T) P.S. Case No. 33 of
2014 instituted for the offences under Sections 420, 467,
468, 471, 120(B) of the Indian Penal Code.

The prosecution arises out of a complaint filed by
the O.P. No. 2 alleging that during the pendency of Title Suit
No. 72 of 2008 which was being contested between the



parties, a prayer was made by the petitioners for permission to sell off part of the suit land. The petitioners were permitted to sell the land in question to the O.P. No. 2 but O.P. No. 2 refused to purchase the aforesaid property. The petitioners are then alleged to have sold the property which was part of the schedule of the plaint, to a third party. Hence, the complaint and the resultant F.I.R.

During the pendency of the present proceedings, a settlement has been arrived at between the parties and now O.P. No. 2 does not wish to prosecute the petitioners any further.

The offences alleged are purely personal in nature and even if the F.I.R is quashed, it would not have any adverse impact on the smooth functioning of the judicial system. In *Gian Singh versus State of Punjab, (2012) 10 SCC 303*, the Supreme Court has laid down parameters for quashing of the F.I.R. during the pendency of the investigation and it has been held therein that if the offences are in the nature of personal wrong not affecting the society at large, the settlement between the parties ought to be



given effect to and in that event, there would be no difficulty in quashing the F.I.R.

The learned advocates appearing for the parties have jointly stated before this Court that with the settlement of the dispute between them, even civil case which is being adjudicated by the competent Court of law is likely to end.

Thus, in the ends of justice, this Court exercises its power under Section 482 of the Code of Criminal Procedure and quashed the subject F.I.R bearing Buxar(T) P.S. Case No. 33 of 2014.

All further proceedings pursuant to the F.I.R are also quashed.

The application stands allowed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/12/2018
Transmission Date	18/12/2018

