

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6801 of 2015

Arising Out of Complaint Case No.-2699 (C) Year-2007 Thana- PATNA COMPLAINT
CASE District- Patna

=====

Arvind Kumar, Son of Shree Jagdish Singh Resident of Mohalla-C.D.A.
Colony, P.S.-Shastrinagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satya Nand Sharma Son of Sri Kamal Nayan Sharma, Resident of Village-
Mangila, P.S.-Paliganj, District-Patna, at present residing at West Rajeev
Nagar, P.S.-Rajeev Nagar, District-Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh and Mr. Arun Kumar, Advocates
For the Opposite Party No. 2	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-04-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. Though, the opposite party no. 2 had conveyed to the
Court that he would be personally present today and, thus, the
matter was adjourned but today, Mr. Sanjay Kumar Singh, learned
counsel submitted that the opposite party no. 2 has executed
power in his favour to appear in the case as he had to suddenly
leave Patna in connection with the marriage negotiation of his
daughter.



3. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That the present application is for quashing the entire proceedings arising out of Complaint Case No. 2699(C) of 2007 instituted on the basis of written complaint of O.P. No. 2 dtd. 17.09.2007 before the Learned Chief Judicial Magistrate, Patna for the offences under sections 323, 324, 307, 341, 342, 504 of I.P.C. against the petitioner and one another i.e. Mahendra Prasad Sinha, Advocate and cognizance of which has been taken on 04.01.08 under Sections 341/323 & 504 of I.P.C. against the petitioner as well as one another by 1st Class Judicial Magistrate, Patna. And/or pass such other order/orders as Your Lordship may deem fit and proper.”

4. The matter relates to an unfortunate incident which is said to have taken place in the premises of the High Court in the main hall of the Lawyers Association. The allegation is that due to injury suffered by the opposite party no. 2, inflicted by the petitioner, he had broken his leg and had to be hospitalised.

5. On the last occasion, after hearing learned counsel for the petitioner, who took a stand that basically it was the other co-accused, also a learned counsel of this Court, who is now dead, persons who used to sit on the same table have unnecessarily been dragged into this controversy, the Court had deemed it appropriate to call both the parties in person to elicit their position as to whether the matter can now be put to an end.



6. The Court is happy to note that learned counsel for the opposite party no. 2 has submitted that the opposite party no. 2 has categorically given instructions to him that he does not want the matter to proceed. The Court has also been assured that now cordial relationship will be restored between the parties.

7. Having regard to the aforesaid, without getting into the finer details or merits of the matter, the Court in exercise of its inherent power under Section 482 of the Code, for securing the ends of justice, finds it a fit case to interfere.

8. Accordingly, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 2699 (C) of 2007, pending before the Court below at Patna, including the order dated 04.01.2008, by which cognizance has been taken, stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

