

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11971 of 2016

Arising Out of PS. Case No.-465 Year-2013 Thana- BUXAR District- Buxar

-
1. Sujit Kumar @ Babua, Son of Umashankar Singh
 2. Umashankar Singh, Son of Late Lallan Singh, Both Resident of Mohalla - Civil Lines, P.S. - Buxar Town Thana, Distt Buxar - 802101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 19-09-2019

Heard the parties.

2. The petitioners have sought for quashment of the order of cognizance dated 03.04.2014, passed by the learned Chief Judicial Magistrate, Buxar, in Buxar (Town) P.S. Case No. 465 of 2013, whereby cognizance has been taken, for offences under Sections 147, 341, 323, 504, 307 and 379 of the Indian Penal Code, against the petitioners.

3. According to FIR, all the FIR named accused persons including the petitioners allegedly demanded ransom from the informant, who was Railway Ticket Booking Clerk, posted at Buxar Railway Station. On non-fulfillment of the demand on 03.12.2013, all the accused persons came to the house of the informant and petitioner no. 2 Umashankar Singh and co-accused



Anil Thakur allegedly assaulted with iron rod and farsa to the informant causing injury at the head. Further allegation is of commission of theft in the dwelling house.

4. Submission is that the petitioners have got no criminal antecedent. They are practicing lawyer. They have falsely been implicated for trivial dispute arising out of supply of ticket in order of the queue of the passenger. After investigation, the police had not sent up the petitioners for trial as none of the witnesses have stated that the petitioners were present at the place of occurrence. Moreover, the parties have entered into a written compromise. A copy of the same is on the record through supplementary affidavit.

5. Considering the nature of allegation and compromise between the parties, continuance of criminal proceeding against the petitioners would amount to abuse of the process of the Court. Hence, the impugned order and entire subsequent criminal proceeding against the petitioners stand quashed and this application is allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	23.09.2019
Transmission Date	23.09.2019

