IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15671 of 2015
Arising Out of PS. Case No.-317 Year-2014 Thana- BEGUSARAI TOWN District- Begusarai

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Vijay Kumar, S/o Late Awadh Kishore Prasad, R/o Village - Pokharia, P.S. - Begusarai (Town), District - Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Nalini Ranjan Singh, S/o Late Shivnandan Singh, R/o Badi Pokhar, Pokharia, P.S. Begusarai (Town), District - Begusarai

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate Mr. Rai Mukesh Sharma, Advocate
For the O.P. No. 2	:	Mr. Vijay Kumar, Advocate Mr. Akash Keshav, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 14-08-2019

Heard learned counsel for the parties.

2. The petitioner has sought for quashment of order of cognizance dated 16.01.2015 passed by the learned Chief Judicial Magistrate, Begusarai in Begusarai (Town) P.S. Case No. 317 of 2014 whereby cognizance has been taken for offences under Sections 147, 341, 323, 504, 385, 427 and 337 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prayer is on the ground that both sides are neighbour and for trivial dispute, concocted allegation has been levelled. Subsequently, the parties have entered into a written compromise. A copy of the same is at Annexure-2 of the main

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petition. The offence under Section 385 of the Indian Penal Code is not shown in Section 320 Cr.P.C. as compoundable offence. However, the offence alleged is punishable with imprisonment of two years only besides provision of fine.

4. Submission is that cordial relation between two parties has been established, hence, continuance of criminal proceeding would amount to abuse of the process of the Court and can only lead to further differences between the two neighbours.

5. Finding substance in the submission aforesaid, the impugned order and entire criminal proceeding against the petitioner is quashed and this application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.08.2019
Transmission Date	22.08.2019

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