

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29696 of 2011

1. Vivek Tulsi S/0 Late Nand Kumar Tulsi, R/0 Village Hill View, Durga Das Tulsi Road, Naya Gaown Jamalpur, P.S. East Colony, District- Munger.
2. Madhukar Tulsi S/0 Late Nand Kumar Tulsi R/0 Village Hill View, Durga Das Tulsi Road, Naya Gaown Jamalpur, P.S. East Colony, District- Munger.
3. Gurav Tulsi @ Gaurab Tulsi S/0 Late Nand Kumar Tulsi R/0 Village Hill View, Durga Das Tulsi Road, Naya Gaown Jamalpur, P.S. East Colony, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Krishan Narayan Singh Son of Late Satya Narayan Singh R/0 Mohalla Nayagaon, Jamalpur, P.S. East Colony, District- Munger At Present Residing in Manasnagar, Mulgalsarai, Police Station Aliganj, District- Chandauli (U.P.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. T. N. Maitin, Sr. Advocate Mr. Rajeev Kumar Sinha, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the Opposite Party No. 2	:	Mr. Pramod Kumar Sinha, Mr. Arvind Kumar Sharma and Mr. Chetan Kumar, Advocates

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 11-04-2019

Heard Mr. T.N. Maitin, learned senior counsel along with Mr. Rajeev Kumar Sinha, learned counsel for the petitioners; learned APP for the State and Mr. Pramod Kumar Sinha, learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:



“ That this application is for quashing the order dated 08.08.2008 passed by Sri Rajesh Kumar, Judicial Magistrate, Ist Class Munger in complaint case no. 63(C)/07 by which the cognizance has been taken for offence under Section 406 of the Indian Penal Code and summons were issued to the accused persons and the order dated 21/06/11 passed by the Addl. District Judge, F.T.C. IInd Munger in Criminal Revision no. 335/08 whereby the revision application of the petitioner has been dismissed.”

3. Learned counsel for the petitioners has filed supplementary affidavit on behalf of them in which copies of compromise petitions dated 13.03.2019 have been brought on record, both in the present Complaint Case No. 63C of 2007 as well as in Title Suit No. 28 of 2012, both pending at Munger.

4. In such background, learned counsel for the opposite party no. 2 fairly submitted that the matter be disposed off in light of the compromise between the parties. He further submitted that though he does not have instructions from the opposite party no. 2, but in view of copies of the compromise, which have been filed in both the Courts below, having been brought on record on oath in an affidavit, he would not controvert the same.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the parties and in view of the compromise reached between them, which have also been formally filed before the Courts below and also taking note of the



fact that in the criminal case, the opposite party no. 2 has specifically taken the stand that he does not want to pursue the case, the Court feels that continuance of the criminal case would not serve the ends of justice.

6. Accordingly, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 63(C) of 2007, including the order dated 08.08.2008, by which cognizance has been taken, pending before the Court below at Munger, stands quashed.

7. The Court would further observe that in the Title Suit also, matters be taken to their logical end in terms of the compromise by passing final orders expeditiously and preferably on the next date, which has been fixed for 20th May, 2019.

8. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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