

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 44063 of 2014

Arising Out of P.S. Case No.-198 Year-2002 Thana- BEGUSARAI MUFFASIL District-
Begusarai

-
1. Ravindra Kumar Jha, and Son of Sri Ram Bilash
 2. Arvind Kumar Jha Son of Sri Ram Bilash
- Both resident of Village - Sahpur, Police Station - Balia, District - Begusarai.
... .. Petitioner/s

Versus

1. The State of Bihar
 2. Most. Pramila Devi Wife of Late Jai Chandra Mishra, Resident of Village -
Jinadpur, Police Station - Mufassil, District- Begusarai.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Ojha, Mr. Pranjal Kumar and Ms. Arya, Advocates
For the Opposite Party No. 2	:	Mr. Archit Rajpal, Advocates
For the State	:	Mr. Md. Arif, A.P.P.

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

ORAL JUDGMENT

Date : 29-01-2019

Heard learned counsel for the petitioners; learned A.P.P.

for the State and 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 is an application
under Section 482 of the Code of
Criminal Procedure is being filed for
quashing of the order taking cognizance
dated 21.11.2002 passed by Srimati A. K.
Lal, Judicial Magistrate, 1st Class,
Begusarai against the petitioners in
connection with Begusarai Sadar
(Mufassil) P.S. Case No. 198 of 2002 for
offence under Sections 364/120B of the
Indian Penal Code.”*



3. The petitioners are not named in the complaint case, which upon being sent to the police has resulted in institution of Begusarai Sadar (Mufassil) P.S. Case No. 198 of 2002. Initially the Opposite Party No. 2, who is the informant, had filed Complaint Case No. 606 C of 2002 against three named accused and two unknown persons alleging that her son has been forcibly abducted.

4. Learned counsel for the petitioners submitted that the son of the Opposite Party No. 2, has in fact married with the cousin of the petitioners and because of such relationship, they have also been made accused by the police. It was submitted that later the parties have compromised and now the son of the Opposite Party No. 2 is living peacefully and happily with his wife, who is related to the petitioners. It was further submitted that the trial against all other co-accused has been resulted in acquittal on the basis of the compromise, but because the petitioners who are working in the Border Security Force and could not appear before the Court, the case against them is pending.

5. Learned A.P.P. submitted that in view of the compromise between the parties, the Court may interfere in the criminal case.



6. Learned counsel for the Opposite Party No. 2 does not dispute the fact of compromise and in fact submitted that the prayer of the petitioners be allowed.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, and keeping in view the fact that the parties have compromised and basically it was a love affair, which has resulted in marriage and there being compromise leading to acquittal of other co-accused, allowing the criminal case to continue appears to be unwarranted.

8. For the reasons aforesaid, the application is allowed. The entire criminal proceeding relating to Begusarai Sadar (Mufassil) P.S. Case No. 198 of 2002 arising out of Complaint Case No. 606C of 2002, including the order dated 21.11.2002, taking cognizance, as far as it relates to the petitioners, stand quashed.

(Ahsanuddin Amanullah, J.)

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