

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51910 of 2014

Arising Out of Complaint Case No.-431 (C) Year-2012 Thana- PATNA COMPLAINT CASE
District- Patna

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Sidhnath Singh, Son of Late Janeshwar Prasad Singh, present working as Circle Officer, Barh, resident of Village + Post Office + Police Station - Goh, District – Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Singh Son of Late Ram Sanehi Singh, resident of Village - Ekdanga, P.S. Belchhi, District – Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Mr. Om Prakash Singh and Mr. Amandeep Lokpriya, Advocates
For the State	:	Mr. Aditya Narayan Singh-I, APP
For the Opposite Party No. 2	:	Mr. Rewati Kant Raman, Mr. Mahesh Prasad No. 2 and Mr. Ajay Pathak, Advocates

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

ORAL JUDGMENT

Date : 20-06-2019

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

2. Pursuant to order dated 10.05.2019, the petitioner as well as the opposite party no. 2 are present in Court.

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

“That is an application for Quashing the order dated 12.11.2012 Passed by learned Judicial



Magistrate 1st Class at Barh under district Patna Passed in Complaint Case No. 431(C)/ 2012 the case is pending in the court of Sri Ranvijay Kumar learned Judicial Magistrate 1st Class at Barh at Patna.”

4. The allegation made by the opposite party no. 2 in Complaint Case No. 431(C) of 2012, pending before the Judicial Magistrate at Barh in the district of Patna is of abuse and assault. The reason stated for such incident is that the opposite party no. 2 had filed a case for removal of encroachment and in such connection, the petitioner, who was posted at the relevant time as the Circle Officer, Barh was not getting the encroachment removed which forced the opposite party no. 2 to move before this Court in CWJC No. 18141 of 2008 and there was a direction also to remove the encroachment. However, actual encroachment not being removed, there were some issues at the ground level and it is alleged that the petitioner had come near the site and had allegedly abused the opposite party no. 2 and the constable with the petitioner no. 1 also assaulted him.

5. Though counter affidavit has been filed on behalf of opposite party no. 2 and supplementary affidavits have also been filed on behalf of the petitioner, the Court is pleased to note that the parties have agreed to put an end to this acrimonious dispute between them and to settle the matter. The Court would only



observe that on the one side, it is an officer under the Executive wing of the State whereas the complainant is a practicing Advocate and an officer of the Court i.e., the institution of the judiciary. Both are pillars of the Constitution and, thus, it is neither in the overall public interest nor in the interest of the institutions that such confrontation occurs between the members of the two wings. Each wing has its own area of operation and most importantly, it has to respect the authority and dignity of the other wing.

6. As noted earlier, the parties as well as their counsel submitted that the misunderstanding has been cleared. The complainant submitted that till date, the main issue which resulted in such an incident is still unresolved inasmuch as, despite there being an order of the Court for removal of the encroachment, the same has not been removed.

7. On this, the petitioner volunteered to use his good offices for compliance of the order of the Court for removal of encroachment.

8. On a specific query of the Court to the opposite party no. 2 as to whether he has any reservation with regard to the application being allowed, he categorically submitted that he has no objection.



9. Having regard to the aforesaid, the Court finds that the present issue having been amicably sorted out between the parties, it would secure the larger interest of justice to put a final end to the entire episode.

10. Accordingly, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 431(C) of 2012, pending before the Court below at Barh in the district of Patna, including the order dated 12.11.2012, by which cognizance has been taken, as far as it relates to the petitioner, stands quashed.

11. Before parting, the Court would only observe that it is hoped that such incidents would not be repeated in future and saner sense would prevail while dealing with the issues which may be emotive or which have the capacity to break peace and tranquility.

(Ahsanuddin Amanullah, J.)

P. Kumar

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