

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19104 of 2015

Arising Out of PS. Case No.-1531 Year-2012 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Shanti Kunwar @ Shanti Devi wife of late Babu Nand Singh @ Babu Nand Rai
 2. Sumitra Devi wife of Hari Govind Singh
 3. Sandhya Devi wife of Bashishtha Singh
 4. Shobha Devi wife of Neeraj Kumar Singh @ Bittu Kumar Singh
 5. Nikki Kumari daughter of Hari Govind Singh
 6. Babita Kumari
 7. Puja Kumari @ Gullu Kumari Both daughters of Bashishtha Singh
 8. Pushpa Devi wife of Chhota Singh
 9. Srimati Devi wife of Nag Narayan Singh
 10. Suman Devi wife of Dheeraj Kumar @ Pintu Kumar All are resident of Uchaka Gaon P.S. Uchaka Gaon District Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dinesh Rai son of late heera Nand Rai resident of village Uchka Gaon P.S. Uchaka Gaon District Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s :		Mr. Shyam Kumar Singh, APP
For Opposite Party No.2:		Mr. Manish Rai Sharma, Advocate Mr. Setu Prateek, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-09-2019

Heard learned counsel for the petitioners, learned
counsel for Opposite Party No.2 and learned Additional Public
Prosecutor for the State.

2. This application under Section 482 Cr.P.C. has



been preferred for quashment of order dated 10.01.2013 passed in Complaint Case No.1531 of 2012 (Tr. No.3581 of 2013) whereby the learned Judicial Magistrate, 1st Class, Gopalganj, has issued summons against the petitioners to face trial for the offences under Sections 147, 323 and 379 of the Indian Penal Code.

3. The record reveals that for land dispute between the parties arising out of the claim of purchase of the same land, through registered sale deeds, by both the parties. The said land dispute has given rise to nine criminal cases of trivial nature filed by the complainant-Opposite Party No.2 against the petitioners or their family members and two criminal cases of trivial nature filed by the family members of the petitioners against Opposite Party No.2 and others.

4. Submission of learned counsel for the petitioners is that the petitioners are female members of the family and one of them was suffering from cancer whereas one was at the advance stage of pregnancy at the time of occurrence. The allegation is general and omnibus against the petitioners along with the male members. The offences alleged are bailable. However, just to pressurize malicious prosecution has been lodged and are being lodged one after another.



5. Learned counsel submitted that all the criminal cases between the parties either brought by the petitioners side or by the Opposite Party No.2 and others against the petitioners be quashed for the ends of justice as the parties would be in a position to settle their civil dispute amicably.

6. Learned counsel for the complainant-Opposite Party No.2 submits that complainant has no grievance if the prayer of the petitioners is allowed. However, other criminal cases need not be quashed as they all are on its peculiar facts and circumstances of the case. The civil dispute does not give a licence to commit offence upon the opponent.

7. Considering the background and nature of allegation and submission of the parties, in my view, criminal prosecution of the petitioner is abuse of the process of the Court, hence, the impugned order against the petitioners stands quashed.

8. The application stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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