

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17980 of 2015

Arising Out of PS. Case No.-2069 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. Isharat Praveen @ Isharat Khatoon @ Ifflat, Wife of Md. Obais
 2. Md. Obais, Son of Late Md. Sohaib
 3. Md. Akhtar, Son of Late Md. Sohaib
 4. Md. Sohail @ Heera, Son of Md. Akhtar
 5. Md. Sahid, Son of Md. Akhtar
 6. Md. Anwar, Son of Md. Sohaib
 7. Md. Manobar @ Md. Monbar, Son of Md. Anwar
 8. Md. Sanobar @ Md. Sonbar, Son of Md. Anwar, All Residents of village - Malipur, P.S. - Garhpura, District - Begusarai, Presently residing at village - Mubarakpur, Tola - Hasanpur, P.S. - Birpur, District - Begusarai.
- Petitioner/s

Versus

1. The State of Bihar
 2. Shamim Ahmad, Son of Md. Rizwan, Resident of village - Mubarakpur, Tola - Hasanpur, P.S. - Birpur, District - Begusarai.
- Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34390 of 2015

Arising Out of PS. Case No.-2107 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. Md. Shahadat @ Md. Sahadat, S/o Late Md. Tauhid
 2. Pakiza Khatoon @ Gulro, W/o Md. Nasim
 3. Halima Khatoon @ Hamila Khatoon, W/o Md. Rizwan
 4. Noorjahan Khatoon @ Naurtan, W/o Md. Shahabuddin
 5. Mahmuda Khatoon, W/o Md. Shamim
 6. Shahnaj Khatoon, W/o Md. Shahadat
 7. Ibrana Khatoon, W/o Kamrujama, All Residents of Village Mubarakpur, Hasanpur, P.S. Birpur, District Begusarai.
- Petitioner/s

Versus

1. The State of Bihar
 2. Md. Obbais, S/o Late Md. Shueb, Resident of Village Mubarakpur Hasanpur, P.S. Birpur, District Begusarai.
- Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32638 of 2015



Arising Out of PS. Case No.-161 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. Md. Rizwan, Son of Late Abdul Razik
2. Md. Shamim Ahmad, Son of Md. Rizwan
3. Md. Nasim @ Nasim Ahmad, Son of Md. Rizwan, All R/o Mobarakpur, Hasanpur, P.S Birpur, District Begusarai
4. Ranjeeta Devi @ Shiwani, wife of Late Tarni Prasad Singh, resident of Mohalla Jama Masjid Chowk, Sarai Begusarai, P.S. Nagar, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Anwar, Son of Late Md. Shoaeb, resident of village Mubarakpur, Hasanpur, P.S. Birpur, District Begusarai.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36614 of 2015

Arising Out of PS. Case No.-736 Year-2013 Thana- BEGUSARAI TOWN District- Begusarai

1. Md. Obais, Son of Late Md. Sohaib
2. Md. Anwar, Son of Late Md. Sohaib
3. Md. Sohail @ Heera, Son of Md. Akthar, All Residents of village - Mubarakpur Tola, Hasanpur, Karichak, P.S. Birpur, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Naseem Ahmad, Son of Md. Rizwan, Resident of village - Mubarakpur Tola, Hasanpur, Karichak, P.S. Birpur, District - Begusarai

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32219 of 2015

Arising Out of PS. Case No.-2108 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. Md. Kamruzama, S/o Late Md. Tauhid
2. Md. Nashim, S/o Md. Rizwan
3. Tamanna Khatoon, W/o Md. Kadir
4. Chandani Khatoon, W/o Md. Dilshad, All Resident of Village Saidpur, P.S. Matihani, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar



2. Md. Akthar, S/o Late Md. Shoaeb, Resident of Village Mubarakpur, Hasanpur, P.S. Birpur, District Begusarai.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51608 of 2015

Arising Out of PS. Case No.-733 Year-2013 Thana- BEGUSARAI TOWN District- Begusarai

1. Md. Shamim Ahmad @ Md. Shamim @ Husain, Son of Md. Rizwan
2. Md. Nasim, Son of Md. Rizwan, Both R/o Mobarakpur, Hasanpur, P.S. - Birpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Obbais, Son of Late Md. Shoaeb, resident of village Mubarakpur, Hasanpur, P.S. Birpur, District Begusarai.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17980 of 2015)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the O.P. No. 2 : Mr. Prakash Chandra Agrawal, Advocate
For the State : Mr. J.N. Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 34390 of 2015)

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

(In CRIMINAL MISCELLANEOUS No. 32638 of 2015)

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s : Mr. M. Haqueapp

(In CRIMINAL MISCELLANEOUS No. 36614 of 2015)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 32219 of 2015)

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s : Mr. M. Haque, APP

(In CRIMINAL MISCELLANEOUS No. 51608 of 2015)

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-07-2019

Heard learned counsel for the parties.

2. In Cr. Misc. No. 36614 of 2015, the accused persons have sought for quashment of order of cognizance dated



12.03.2015, passed in Begusarai Town P.S. Case No. 736 of 2013, wherein cognizance has been taken under Sections 379 and 323 of the Indian Penal Code. The aforesaid case was lodged on report of opposite party no. 2 Md. Nassem Ahmad.

3. Cr. Misc. No. 17980 of 2015 is for quashment of cognizance order dated 09.03.2015, passed in Complaint Case No. 2069(C) of 2013, for offences under Sections 323, 504 and 379 of the Indian Penal Code, against the petitioners brought on the complaint of opposite party no. 2 Shamim Ahmad.

4. The informant and complainant of the aforesaid cases are accused in some other cases brought by the accused side.

5. Cr. Misc. No. 51608 of 2015 is for quashment of order dated 24.02.2014, passed in Begusarai Town P.S. Case No. 733 of 2013, wherein cognizance has been taken, for offences under Sections 341, 323, 307, 325 and 506/34 of the Indian Penal Code, against the petitioners on written information of Md. Obbais.

6. Likewise, Cr. Misc. No. 32219 of 2015 is for quashing the order dated 22.04.2014, passed in Complaint Case No. 2108 of 2013, wherein cognizance has been taken, for offences under Sections 448, 323, 380/34 of the Indian Penal



Code, against the petitioners brought by opposite party no. 2 Md. Akthar.

7. Cr. Misc. No. 32638 of 2015 is for quashing the order dated 04.03.2014, passed in Complaint Case No. 161(C) of 2013, wherein cognizance has been taken, for offences under Sections 417, 465 and 120(B) of the Indian Penal Code, against the petitioners, brought by opposite party no. 2-Md. Anwar and Cr. Misc. No. 34390 of 2015 is for quashing the order of cognizance dated 05.06.2014, passed in Complaint Case No. 2107(C) of 2013, wherein cognizance has been taken under Sections 147, 323, 341, 379 and 504 of the Indian Penal Code, against the petitioners in complaint case brought by opposite party no. 2 Md. Obbais.

8. Since the parties are agnates and the aforesaid criminal cases and other criminal cases were brought within a short span of two weeks against each other for land dispute, the parties are agreeable considering the compoundable nature of offences that the criminal proceeding be quashed as none of the parties want to proceed with the case.

9. Learned counsel for the petitioners has drawn attention of the Court towards order dated 08.11.2017, passed in Cr. Misc. No. 49786 of 2014, whereby cognizance order passed in Complaint Case No. 2040(C) of 2013, was quashed considering



the merit of the case as well as order of quashment passed by this Court in earlier criminal miscellaneous application.

10. Since, the offences alleged are compoundable and the parties are agreeable not to go against each other, for substantial justice, all the impugned orders and the subsequent criminal proceeding against the petitioners stands quashed and all the criminal miscellaneous application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	12.07.2019
Transmission Date	12.07.2019

