

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40603 of 2009

1. Baijnath Rai Son of Nathuni Rai
2. Bipin Kumar Son of Baijnath Rai.
3. Satish Kumar Son of Baijnath Rai.
All Resident of Tier Colony, M.E.S., Bihta Air Force, Bihta, P.S.-Bihta,
District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajendra Ram Son of Late Saukhi Ram, permanent Resident of Village-
Maniyarpur, P.S.-Bidupur, District-Vaishali. At present Peon Central School
Bihta Air Force Bihta, P.S.-Bihta, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar, Adv
For the Opposite Party/s : Mr.N.N.Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-11-2019

Heard learned counsel for the parties.

2. This application is for quashing the order dated 17.05.2008 passed by the learned Additional Chief Judicial Magistrate, Danapur in Bihta P.S.Case No.174 of 2007 whereby the learned court below has taken cognizance against the petitioners for offences under Sections 341,323,325,504,34 of the Indian Penal Code as well as under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The challenge is on the ground that there was a case and counter case between the parties and the parties had entered into a written compromise filed in both the cases I.e. the present



Bihta P.S.Case No.174 of 2007 and Complaint Case No.854/C/2007 brought by petitioner No.1-Baijnath Rai against the informant-opposite party No.2 of this case and others. After compromise, the complaint has already been disposed of in pursuance of the compromise but the opposite party No.2 is not appearing to depose before the court to admit factum of compromise in the counter case. Informant/opposite party No.2 has no reservation in allowing the prayer of the petitioners.

4. Considering the aforesaid factual position, continuance of the criminal proceeding in pursuance of the impugned order would amount to abuse of the process of the Court. Hence, the impugned order is hereby quashed and this application is allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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