

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18750 of 2010

1. Ramakant Jha, Son of Late Nageshwar Jha, Resident of Mohalla- Badri
Naraiyan Road, Shubhankar Pur, P.S.- Town, District- Darbhanga.
2. Shambhu Nath Jha, Son of Ramakant Jha, Resident of Mohalla- Badri
Naraiyan Road, Shubhankar Pur, P.S.- Town, District- Darbhanga.
3. Kalyani Jha, Wife of Shambhu Nath Jha, Resident of Mohalla- Badri
Naraiyan Road, Shubhankar Pur, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganga Prasad Jha, Son of Sri Ramakant Jha, Resident of Mohalla- Badri
Narayan Road, Shubhankar Pur, P.S.- Town, District- Darbhanga.
3. Rani Jha wife of Manohar Shankar Jha, Resident of Mohalla Subhankarpur,
Badri Narayan Road, P.S. Town, District-Darbhanga, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.
For the Opposite Party No. 2	:	Mr. Uma Kant Shukla, Sr. Advocate
For the State	:	Mr. Md. Arif, A.P.P.

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

ORAL JUDGMENT

Date : 07-01-2019

Nobody appears on behalf of the petitioners or the
Opposite Party No. 2. Learned A.P.P. for the State and learned



counsel for the intervenor Opposite Party No. 3, Rani Jha, have been heard.

2. The background of the case has become a bit complicated in the sense that the present case under Section 482 of the Code of Criminal Procedure, 1973 was only with regard to Complaint Case No. 1369 of 2007, filed by the Opposite Party No. 2, but it appears that the matter having been sent for Mediation by the Court in the present proceeding by order dated 21.09.2012 resulted in the Mediator submitting a report to the Court that in 16 cases in which the same parties or their family members were involved, have been settled.

3. In such view of the matter, the Court by order dated 24.09.2013, not only quashed the entire proceeding of Complaint Case No. 1369 of 2007 but also quashed further proceeding of the other 15 cases, which have been noted in the order dated 24.09.2013. The Opposite Party No. 3, moved the Hon'ble Supreme Court in Criminal Appeal Nos. 1633/1634 of 2015, being aggrieved by the order on the ground that even cases in which she was the informant i.e., Simri P.S. Case No. 25 of 2007, Darbhanga Town P.S. Case No. 97 of 2007 and Darbhanga Town P.S. Case No. 139 of 2009, without her appearing either before the Mediator or before the High Court, those cases were also quashed. The



Hon'ble Supreme Court by order dated 2nd December, 2015, quashed the order of the High Court in the present case dated 24.09.2013 and the matter was remanded for fresh disposal in accordance with law. It was further observed that if an application was filed by the Opposite Party No. 3, before the High Court for impleadment in the proceeding, the High Court will look into the matter on its own merits. In terms thereof, Opposite Party No. 3, filed Interlocutory Application No. 1589 of 2016 for making her party which was allowed by order dated 07.05.2018 and she had been impleaded as Opposite Party No. 3.

4. Having considered the matter, in view of the fact that as far as Complaint Case No. 1369 of 2007, which has been filed by Opposite Party No. 2 is concerned, and the parties have compromised the matter, the application stands allowed and the said complaint case, including its entire proceedings are set aside.

5. However, in terms of the Hon'ble Supreme Court, the other 15 cases get restored to the position existing prior to 24.09.2013 and the Court where the matters are or may be pending are required to take such proceedings to their logical conclusion.

6. In view of the order passed today, the Court does not find any necessity to pass any order on the Interlocutory Application No. 772 of 2018, which has been filed by the Opposite



Party No. 3, seeking a direction to the trial Court to proceed against the accused persons, in accordance with law.

7. Accordingly, Interlocutory Application No. 772 of 2018, stands disposed off.

(Ahsanuddin Amanullah, J.)

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