

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17486 of 2016

Arising Out of PS. Case No.-57 Year-2015 Thana- MAHILA P.S. District- Nalanda

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1. Sheshnath Keshari, son of Late Rudal Prasad
 2. Baby Devi, wife of Sheshnath Keshari
 3. Chandan Keshari, son of Sheshnath Keshari, All residents of Mohalla - Hari Nagar, Bela Gola, P.S. Ram Nagar, District - West Champaran
 4. Sima Devi, D/o Sheshnath Kesari, resident of Mohalla - Hari Nagar, Bela Gola, P.S. - Ram Nagar, District - West Champaran, At present wife of Ishwar Prasad Mohalla New Colony Bagh P.S. Bagha, District West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuri Devi, D/o Raj Kumar Keshari, R/o Vill. - Attasarai, P.S. - Islampur, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar, Advocate Mr. Dhananjay Kumar, Advocate
For the O.P. No. 2	:	Mr. Lal Babu Keshari, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-09-2019

Heard the parties.

The petitioners have sought for quashment of the order of cognizance dated 08.03.2016 passed by the learned Sub-Divisional Judicial Magistrate, Bihar Sharif, Nalanda in connection with Mahila P.S. Case No. 57 of 2015 whereby cognizance has been taken for offences under Sections 341, 323, 504 and 307/34 of the Indian Penal Code.



Submission is that a bare perusal of the FIR would show that there is no allegation punishable under Section 307 of the Indian Penal Code and other offences are compoundable. The parties have already filed a joint compromise petition before the learned court below. In the circumstance, continuance of the criminal proceeding is an abuse of the process of the Court.

The perusal of the FIR would reveal that due to dispute relating to family property, the informant has alleged that family members including the petitioners were torturing her and to her husband and the petitioners were not allowing their share in the property. There is no allegation at all of murderous assault.

Learned counsel for the opposite party no. 2-the informant of the case supports the factum of compromise of this case.

In the circumstance, the impugned order and entire criminal proceeding arising out of the aforesaid case against the petitioners stand quashed and this application is allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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