

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46827 of 2015

Arising Out of P.S. Case No.-253 Year-2014 Thana- BUDDHA COLONY District- Patna

Ratnesh Ratna @ Ratnesh Tandan, Son of Bhaiya Navratan Prasad, Resident
of 301, Park View Apartment, S. K. Puri, P.S. S. K. Puri, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baldeo Prasad Gupta, Son of Late Shambhu Prasad Gupta, resident of 106,
Mahalakshmi Apartment, Sursudha Lane, East Boring Canal Road, P.S.
Buddha Colony, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh and Mr. Nishant Kumar Jha, Advocates
For the Opposite Party No. 2	:	Mr. Vivek Anand Amritesh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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

ORAL JUDGMENT

Date : 16-05-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the ‘Code’) for the following relief:

*“That invoking the inherent jurisdiction
of this Hon'ble Court, this application is directed
for setting aside the impugned order dated
16.10.2014, passed by the Court of Shri Ravi
Ranjan, learned Judicial Magistrate, 1st Class,
Patna whereby and whereunder cognizance has
been taken against the petitioner under Sections
279, 337 and 338 of the Indian Penal Code in
connection with Buddha Colony P.S. Case No.*



253/2014 dated 02.09.2014, in order to prevent abuse of the process of the court below and to secure the ends of justice.”

3. The petitioner is alleged to be driving a vehicle which hit the opposite party no. 2, leading to injuries.

4. Learned counsel for the petitioner submitted that though from a plain reading of the FIR, it would be apparent that the registration number of the petitioner's car has been inserted later on in the FIR, but he may not be required to go on into the merits of the case for the reason that since then, the matter has been compromised between the parties. In this connection, he drew the attention of the Court to Annexure-3 of the application, which is copy of the joint compromise petition on behalf of the informant and the petitioner in the present case i.e., Buddha Colony PS Case No. 253 of 2014, before the concerned Court below at Patna. Learned counsel further submitted that in view of Section 279 of the Indian Penal Code not being compoundable, the petitioner has moved this Court for putting an end the prosecution against him. Learned counsel submitted that the Hon'ble Supreme Court has repeatedly held that even in non compoundable offences, the Court can interfere exercising inherent power under Section 482 of the Code, especially in matters which are entirely personal in nature not affecting public



peace and tranquility and there is compromise. He submitted that considering major decisions on this point of the Hon'ble Supreme Court, the High Court of Himachal Pradesh in a recent judgment dated 08.01.2019 in the case of **Vinod Kumar vs. State of Himachal Pradesh and Anr.** in CrMMO No. 14 of 2019, under similar circumstances where also the FIR was lodged under Sections 279, 337 and 338 of the Indian Penal Code and in addition thereto, Sections 181 and 185 of the Motor Vehicles Act was also invoked, there having been a compromise between the parties, the FIR was quashed.

5. Learned APP and learned counsel appearing for the opposite party no. 2 fairly accepted that there being a compromise, the criminal case requires to be finally closed.

6. In the aforesaid background, the Court finds that a case for interference has been made out. Once the grievance is personal to the opposite party no. 2 and he has got into a compromise with the petitioner, letting the criminal prosecution to continue would be an exercise in futility as it is not going to result in any tangible order.

7. Accordingly, for preventing the abuse of the process of the Court and also for securing the ends of justice, the application is allowed. The entire criminal proceeding arising out



of Buddha Colony PS Case No. 253 of 2014, pending before the Court below at Patna, including the order dated 16.10.2014, by which cognizance has been taken, stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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