

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.115 of 2019

Arising Out of PS. Case No.-53 Year-2015 Thana- MAHILA PS District- East Champaran

Imran Sabir Baig, son of late Sabir Baig, permanent resident of Mohalla-Koiria Tola opposite MJK College, P.S. - Bettiah Town, District-West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home, Bihar
2. The Director General of Police, Bihar at Patna
3. The Deputy Inspector General (Police) Champaran Range at Bettiah, District-West Champaran
4. The Superintendent of Police, West Champaran at Bettiah
5. The Sub Divisional Police Officer, Bettiah Town, West Champaran
6. The Officer Incharge Mahila PS (Motihari) District-East Champaran
7. The Investigating Officer, Mahila PS Case No. 53 of 2015 Motihari, District-East Champaran
8. Shajiya Khanam, wife of Imran Sabir Baig, resident of Mohalla- Agarwa Lane No. 1, PS - Motihari District East-Champaran

Respondents

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-01-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ petition has been filed by the petitioner for quashing Motihari Mahila P.S. Case No. 53 of 2015 registered *inter alia* under Section 498-A of the Indian Penal Code.

3. Learned counsel for the petitioner submitted that the dispute between the parties has not only been compromised but cordial relationship has also been restored. He submitted



that in view of the nature of allegation, since the parties have amicably settled their dispute, no useful purpose would be served by allowing the prosecution to continue.

4. On the other hand, Mr. Rajesh Ranjan, learned counsel has *suo motu* appeared on behalf of respondent no. 8. He submitted that he has already received *Vakalatnama* and the same is in the process of filing. He has instructions that the signature of the informant on the compromise petition was procured by the petitioner by playing fraud. The petitioner did not fulfil any of the terms of the compromise after alluring the respondent no. 8 to enter into compromise. He submitted that since the compromise was not *bona fide* respondent no. 8 opposes the application for quashing of the criminal prosecution. He further contended that the petitioner has misused the privilege of bail and, thus, the jurisdictional Magistrate has cancelled his bail bonds on 26.02.2018.

5. He further contended that the petitioner has not only abandoned respondent no.8, but he is also hampering the disposal of the criminal trial, which is pending for framing of charges.

6. Since the writ petition has been filed for quashing the entire criminal prosecution only on the basis of compromise



arrived at between the parties, which is being disputed vehemently by the respondent no. 8, I am not inclined to interfere with the prosecution of the petitioner, as the allegations made in the first information report clearly attract ingredients of cognizable offences, which have been found true in course of investigation and the jurisdictional Magistrate has already taken cognizance of those offences.

7. In that in view of the matter, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
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