

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17664 of 2018

Arising Out of PS. Case No.-1069 Year-2007 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Subhasis Tripathi @ Subasis Tripathi
 2. Ashish Tripathi, Both sons of Late Manoranjan Tripathi, Resident of Village- Bhupati Mazna Road, P.O.- Tengunia, P.S.- Contai, District- East Medinipur, West Bengal.
 3. Ram Mukherji, Son of Late Amal Mukherji, R/o H/o Upendra Kumar, Geeta Niwas, Sheikhpura P.S. Shastri Nagar, Town and District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sri Kumar Prabhakar, Director- Prabhakar Swarnima and Runa Traders Pvt. Ltd., Musallahpur Hat, P.S. Presently residing at Flat No. 204, Swastik Enclave, Road No.9 Safi Alam Raod, Ram Jaipal Nagar, Gola Road, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahesh Prasad, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek quashing of cognizance order dated 02.08.2007 in Complaint Case No. 1069(c) of 2007 pending before the learned Judicial Magistrate, 1st Class, Patna.

Learned counsel for the petitioners submits that the matter has been settled between the parties and he prays for issuance of notice to opposite party no.2 for his appearance.

Perused the records.



From perusal of records, it appears that earlier the petitioner nos. 1 and 2 moved before this Court in Cr. Misc. No. 22981 of 2010 for quashing the same cognizance order i.e. order dated 02.08.2007 and the same was dismissed by a Co-ordinate Bench of this Court vide order dated 06.10.2015.

Again the petitioners have approached this Court on similar facts. If the earlier petition of the petitioners was dismissed on merit, nothing remains for this Court to do in the instant petition. Moreover, offence under Sections 406 and 420 of the IPC for which the cognizance has been taken are compoundable with the permission of the court in which prosecution for such offence is pending and the petitioners could approach the learned court below for compounding if a settlement has been arrived at between the parties and the claim of learned counsel is taken on its face value

Under the facts and circumstances as aforementioned, since the petitioners are seeking the quashing of the impugned order on question of fact and as his earlier petition has already been dismissed, I do not think this Court can exercise its inherent power under Section 482 of Cr.P.C. to get into the assessment of disputed question of facts. So there is no occasion to interfere with the impugned order.



Accordingly, with the aforesaid observations, the instant petition is dismissed.

However, the learned trial court is directed to comply the order of this Court dated 06.10.2015 passed in Cr. Misc. No. 22981 of 2010 in letter and spirit since almost 7 years have elapsed and the matter is still pending.

(Arun Kumar Jha, J)

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