

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5857 of 2023

Arising Out of PS. Case No.-770 Year-2018 Thana- ARA NAWADA District- Bhojpur

1. UMESH KUMAR SINGH SON OF LATE RAMAYAN SINGH R/O VILLAGE- BASISTNAGAR, P.S.- ARA NAWADA, DISTRICT- BHOJPUR
2. BABITA DEVI WIFE OF UMESH KUMAR SINGH R/O VILLAGE- BASISTNAGAR, P.S.- ARA NAWADA, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAHAVIR SINGH SON OF LATE RAMAYAN SINGH R/O VILLAGE- BASISTNAGAR, P.S.- ARA NAWADA, DISTRICT- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh, Advocate Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Arun Kumar Pandey, A.P.P.
For the O.P. No. 2	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 19-10-2023

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The present application has been filed seeking quashing of the order dated 04.11.2022 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P.S. Case No. 770 of 2018 whereby cognizance of the offences under Sections 341, 323, 308, 380, 452, 504 and 506 of the Indian Penal Code has been taken against the petitioners.

3. Learned counsel for the petitioners submits that petitioner no. 1 and opposite party no. 2 are own brothers and petitioner no. 2 is wife of petitioner no. 1. It is further submitted that no doubt cognizance



has been taken under Sections 308 and 380 of the Indian Penal Code but then in the nature of injury caused it would manifest that Section 308 of the Indian Penal Code is not attracted. It is next submitted that on intervention of the well wishers the petitioner no. 1 and the opposite party no. 2 have compromised the case.

4. Learned counsel for the opposite party no. 2 submits that the case has been compromised between the brothers and the opposite party no. 2 shall have no objection in the event if the order taking cognizance dated 04.11.2022 is quashed.

5. Considering the joint submissions made by the learned counsel for the parties, the order dated 04.11.2022 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P.S. Case No. 770 of 2018 whereby cognizance of the offences under Sections 341, 323, 308, 380, 452, 504 and 506 of the Indian Penal Code has been taken against the petitioners, is hereby quashed.

6. Accordingly, this application stands allowed.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	19.10.2023
Transmission Date	19.10.2023

