

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34302 of 2016

Arising Out of PS. Case No.-48 Year-2015 Thana- PATLIPUTRA District- Patna

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1. Ram Dayal Prasad, Son of late Sona Singh
 2. Raj Kumar, Son of Sri Ram Dayal Prasad
 3. Hariom @ Om Prakash, Son of Sri Ram Dayal Prasad
 4. Prakash Narayan, Son of Sri Ram Dayal Prasad

All permanent residents of Mohalla Nehru Nagar, Ram Krishna Path Lane No. 8, House No. 134, P.O.+ P.S. Patliputra, Patna-13, District-Patna.

... .. Petitioners

Versus

1. The State Of Bihar.
2. Ashwani Rohit @ Kush Kumar, son of Baleshwar Singh, resident of Mohalla-Nehru Nagar, Ram Krishna Path, Lane No.8, House No. 133, P.O. & P.S.-Patliputra, District-Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the Opp. Party No.2 :		Mr. Vijay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel for the opposite party no.2.

This application has been filed for quashing of the order dated 26.11.2015 passed by learned Judicial Magistrate, 1st Class, Patna, in Trial No. 484 of 2015, arising out of Patliputra P.S. Case No. 48 of 2015, by which learned Magistrate has taken cognizance against the petitioners under Sections 341, 323, 504, 379, 427 and 34 of the Indian Penal Code.



At the very outset, it has been submitted by learned counsel for the petitioners that petitioner no.1 has died.

In view of the above, this application is permitted to be withdrawn with respect to petitioner no.1 namely, Ram Dayal Prasad.

As per the prosecution case, allegation has been levelled against the petitioners that they have assaulted the informant and his family members and snatched the golden chain from the neck of the mother of the informant and also threatened them of dire consequences.

From the record, it appears that the informant of this case is the nephew of the petitioner no.1 and cousin brother of petitioner nos. 2 to 4. It also appears that a partition suit is pending between the parties and there is a case and counter case from both the sides.

Today, both the parties have appeared in Court and they jointly submitted that they do not want to proceed further in their cases and therefore, criminal cases filed by the parties against each other may be quashed so that the parties may live peacefully.

Considering the submissions of both the parties that they do not want to proceed further in their cases, this



application is allowed.

Accordingly, the F.I.R. vide Patliputra P.S. Case No. 48 of 2015 registered for the offence under Sections 341, 323, 504, 379, 427 and 34 of the Indian Penal Code and all other consequential proceedings arising out of the aforesaid F.I.R. including the cognizance order dated 26.11.2015 passed by learned Judicial Magistrate, 1st Class, Patna, in Trial No. 484 of 2015 as well as F.I.R. vide Patliputra P.S. Case No. 49 of 2015 registered under Sections 341, 323, 354, 379, 506/34 of the Indian Penal Code and all consequential proceeding arising out of the aforesaid F.I.R. are hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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