

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36469 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- MAHILA P.S. District- Madhubani

1. MD. REJAULLAH SON OF LATE ABDUL JABBAR RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
2. MD. SANAULLAH SON OF LATE ABDUL JABBAR RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
3. SHAMI AHAMAD SON OF LATE JALLI @ BALCHAND RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
4. MD. OUZAIR SON OF AFJAL HUSSAIN RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
5. KAMRE ALAM SON OF MANJAR IMAM RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
6. MD. RABBANI SON OF JAMIL @ BHOKO RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
7. MD. SHAKIL SON OF JALIL @ BHODO RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
8. MD. ALLAUDDIN SON OF ABASHABUDDIN RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI
9. MD. SHAFARUDDIN SON OF ABASHABUDDIN RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. SAGIAR AHMAD SON OF LATE VAJUL HAQE RESIDENT OF VILLAGE- SHARTRUPTTI, PS- GHOGHARDIHA, DISTT- MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-11-2023 1. Heard the learned counsel for the petitioners and
the learned APP for the State along with learned counsel for the



O.P. No.2.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the F.I.R., being Mahila P.S. Case No. 47/2022 dated 16.12.2022, registered under sections 363, 364, 354, 367, 368 and 34 of the Indian Penal Code, arising out of C.R. No.256/2015/238 filed on 02.03.2015.

3. The learned counsel for the petitioners next submits that the informant in the present F.I.R. has alleged allegation which is nearly verbatim the same what has been alleged by the same informant in Mahila P.S. Case No.91/2015 dated 29.12.2015.

4. The learned counsel thus submits that the issue which arises for consideration in the present quashing application is whether the second F.I.R., based on the same set of allegations, can proceed or not.

5. The learned APP at this stage submits that in compliance of the order dated 19.09.2023, a counter affidavit has been filed duly sworn by the S.H.O. of Fulparas Mahila P.S. and draws the attention of the Court towards para-7 of the counter affidavit to submit that it has been specifically recorded that during the course of investigation, it came to notice that on



the same set of facts the present F.I.R. has also been instituted by the same informant, as such, Final Form No. 28 of 2023 dated 27.09.2023 (Annexure-R/B to the counter affidavit) was submitted, recording therein that the case was a mistake of facts.

6. The learned counsel for the petitioners, in view of the pleadings made in the counter affidavit, submits that since the final form is submitted, as such the grievance of the petitioners stands redressed for the present and hence seeks permission to withdraw the present quashing application.

7. Permission is accorded.

(Satyavrat Verma, J)

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