

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56108 of 2023

Arising Out of PS. Case No.-68 Year-2001 Thana- NAANPUR District- Sitamarhi

MUNINDAR PRASAD @ MUNINDRA PRASAD S/O LATE GANESH PRASAD R/O VILLAGE- PAKTOLA, P.O.- RADHI, PS. NANPUR, DIST. SITAMARHI

... .. Petitioner/s

Versus

1. The State of Bihar
2. GANPATTI PRASAD S/O KISHUNI PRASAD R/O- A AND P.O.- PAKTOLA, PS. NANPUR, DIST. SITAMARHI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sita Ram Prasad, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the O.P. No.2	:	Mr. Naushad Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-11-2023 1. Heard the learned counsel for the petitioner and the learned APP Mr. Chandra Bhushan Prasad for the State along with learned counsel for the O.P. No.2 Mr. Naushad Khan.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order of cognizance dated 05.09.2002 passed by the learned A.D.J.-XIII, Sitamarhi, in connection with Nanpur P.S. Case No.68/2001, whereby cognizance of offences has been taken under sections 447, 341, 323, 324, 504, 379, 307 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the informant had instituted the aforesaid F.I.R. against three



accused persons and the police after investigation submitted charge sheet against them. It is next submitted that after the cognizance was taken but prior to framing of charge two of the accused persons namely Ganesh Prasad and Laxman Prasad died. It is further submitted that only accused now remains to be tried is Munindar Prasad. The learned counsel next submits that the informant and petitioner are neighbour and were having land dispute, on account of which, the aforesaid F.I.R. was instituted. It is next submitted that during the course of investigation even it was found that the injury suffered by the injured is simple in nature but then the injury was near the eye of the injured. The learned counsel further submits that in the nature of injury, it can be safely concluded that Section 307 of the Indian Penal Code is not attracted. The learned counsel next submits that the case is going on since 2001 in between the parties but on intervention of the well wishers, the informant and the petitioner has entered into a compromise, it is next submitted no doubt the trial has commenced but then the parties have compromised the case, no useful purpose would be served by allowing the criminal proceeding to continue.

4. The learned counsel for the petitioner further submits that the F.I.R. was not instituted under section 307 of



the Indian Penal Code.

5. The learned counsel appearing on behalf of the O.P. No.2 concurs with the submissions of the learned counsel for the petitioner and submits that he has instruction on behalf of the informant to make submission that the informant does not have any objection, in the event, if the entire proceeding arising out of Nanpur P.S. Case No.68/2001 is quashed.

6. Considering the submissions made by the learned counsel for the O.P. No.2, the entire proceeding, arising out of Nanpur P.S. Case No.68/2001 dated 23.07.2001, pending in the Court of learned A.D.J.-XIII, Sitamarhi is hereby quashed.

(Satyavrat Verma, J)

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