

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17788 of 2016

Arising Out of PS. Case No.-144 Year-2013 Thana- AURANGABAD TOWN District-
Aurangabad

-
1. Umesh Singh, Son of Ram Singar Singh
 2. Smt. Kalindi Devi wife of Umesh Singh
 3. Soni Kumari
 4. Priyanka Kumari Both daughters of Umesh Singh,
All residents of village and P.O.- Sisai, P.S.- Goreya Kothi, District- Siwan,
Presently residing at Mohalla- Club Road Chitragupta Nagar, P.S.-
Aurangabad Town, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
2. The District Magistrate, Aurangabad
3. The Superintendent of Police, Aurangabad
4. Dhananjay Kumar, son of Ram Parvesh Pandey, resident of village, P.O. and
P.S.- Amba, District- Aurangabad

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20732 of 2016

Arising Out of PS. Case No.-437 Year-2013 Thana- AURANGABAD TOWN District-
Aurangabad

-
1. Umesh Singh, son of Ram Singar Singh.
 2. Kalindi Devi wife of Umesh Singh.
 3. Soni Kumari daughter of Umesh Singh. All residents of village and P.O.
Sisai, P.S. Goreyakothi, District Siwan, Presently residing at Mohalla Club
Road, Chitragupta, Nagar, P.S. Aurangabad Town, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Aurangabad.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. Dhananjay Kumar son of Ram Parvesh Pandey, resident of village, P.O. and
P.S. Amba District- Aurangabad. Presently residing at Mohalla- Club-Road,
Chitragupta- Nagar, P.S Aurangabad Town, district Aurangabad.

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 17788 of 2016)

For the Petitioner/s : Mr. Bikash Kumar Sharma, Advocate.
For O.P. No.4 : Mr. Shambhu Sharan Sharma, Advocate.
For the State : Dr. Kr.Uday Pratap Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 20732 of 2016)

For the Petitioner/s : Mr. Bikash Kumar Sharma, Advocate.
For O.P. No.4 : Mr. Shambhu Sharan Sharma, Advocate.
For the State : Mr. Ram Chandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 20-09-2023

Heard Mr. Bikash Kumar Sharma, learned counsel appearing on behalf of the petitioners; Mr. Shambhu Sharan Sharma, learned counsel for the opposite party no.4 and Dr. Kumar Uday Pratap Singh and Mr. Ram Chandra Sahni, learned APPs for the State.

2. Learned counsel for the parties submits that as the issue involved in both the quashing applications is similar, both the quashing applications may be disposed of by a common order.

3. Considering the request made on behalf of the parties and the nature of allegation, both the quashing applications are being disposed of by a common order.

Re.: Cr. Misc. No. 17788 of 2016

4. The present quashing application under Section 482 of the Code of Criminal Procedure has been filed to set aside the order dated 16.06.2015 passed by the learned Chief Judicial Magistrate, Aurangabad whereby cognizance has been



taken against the petitioners under Sections 341, 323, 504, 325, 307 and 379/34 of the Indian Penal Code in Aurangabad Town P.S. Case No. 144 of 2013.

Re.: Cr. Misc. No. 20732 of 2016

5. The present quashing application under Section 482 Cr.P.C. has been filed to quash the order dated 23.01.2016 passed by the 3rd Additional Sessions Judge, Aurangabad whereby the criminal revision petition has been dismissed filed against the cognizance taken against them vide order dated 21.06.2014 under Sections 341, 323, 504, 325, 307 and 379/34 of the Indian Penal Code by the Judicial Magistrate 1st Class, Aurangabad in Aurangabad Town P.S. Case No. 437 of 2013.

6. Before proceeding to consider the allegation made in the F.I.Rs. and appraising the orders taking cognizance, Mr. Bikash Kumar Sharma, learned counsel appearing on behalf of the petitioners and Mr. Shambhu Sharan Sharma, learned counsel appearing on behalf of opposite party no.4 have jointly prayed that to maintain the dignity and majesty of the Court, the respective parties have agreed to file joint affidavit before the trial court stating therein that they are ready to withdraw the cases and counter cases lodged against each other which prima facie appears to be lodged due to vengeance out of private and



personal grudge arising out of land dispute with respect to passage between the houses of both the parties.

7. Mr. Bikash Kumar Sharma, learned counsel appearing on behalf of the petitioners has submitted that the orders taking cognizance are not sustainable in the eye of law taking into consideration the law laid down by the Apex Court in the case of **State of Haryana and Others Vs. Bhajan Lal and Others reported in 1992 Supp (1) SCC 335**. The petitioner has lodged five cases against the opposite party no.4 and the opposite party no.4 has lodged eight cases against the petitioners, the details of which have been mentioned in Para-12 and 13 of the present quashing application. In these background, learned counsel submitted that the parties have agreed to withdraw their respective cases and want to lead a peaceful life and also taking into consideration the title suit pending between the parties, the continuation of criminal proceeding against both the parties will be abuse of process of law. Learned counsel further submitted that registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged in the present case would appear from the conduct of the parties.

8. Learned counsels for the parties jointly



submitted before this Court that the petitioner and the opposite party no.4 are ready to withdraw their respective cases by filing joint affidavit before the trial court and have prayed for quashing of the further proceeding relating to Aurangabad Town P.S. Case No. 144 of 2013 and Aurangabad Town P.S. Case No. 437 of 2013.

9. Considering the rival submissions made on behalf of the parties as well as the fact that the Apex Court has deprecated the practice of registering multiple F.I.Rs. which is a result of wreaking vengeance out of private or personal grudge and taking the exception enumerated in **State of Haryana and Others Vs. Bhajan Lal (supra)** and as observed by the Apex Court in the recent judgment in the case of **Salib @ Shalu @ Salim Vs. State of U.P. & Ors. reported in Criminal Appeal No. 2344 of 2023 (Arising out of S.L.P. (Criminal No. 3152 of 2023))**, I am of the opinion that further proceeding arising out of Aurangabad Town P.S. Case No. 144 of 2013 and Aurangabad Town P.S. Case No. 437 of 2013 are fit to be quashed subject to the condition that a joint affidavit be filed by the parties giving specific statement and evidences with respect to withdrawal of their respective cases lodged against each other as has been mentioned in Para-12 and 13 of the present quashing



application.

10. The present quashing applications stand
disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.09.2023
Transmission Date	N.A.

