

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8440 of 2023

Arising Out of PS. Case No.-546 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. NITESH KUMAR S/O ASHOK TIWARI Resident of Village- Tiwari Tola, Ward No.- 33 (OLD), 20 (NEW), P.S.- Saharsa, District- Saharsa, Pincode- 852201
2. GAUTAM KUMAR @ GAUTAM TIWARI S/O LATE SHANKAR TIWARI Resident of Village- Tiwari Tola, Ward No.- 33 (OLD), 20 (NEW), P.S.- Saharsa, District- Saharsa, Pincode- 852201

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. ARCHANA KUMARI W/O VARUN SINHA Resident of 25A, SS, ALMERIA, Sector -84, District- Gurugram, State- Haryana, Pin Code- 122004

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 10-09-2024 Heard learned counsel for the petitioner and learned APP for the State. None appears for the O.P. No. 02, despite valid service of notice.

2. This application has been filed on behalf of the petitioners for quashing the order dated 06.01.2022 passed by the learned I/c Chief Judicial Magistrate, Saharsa in Saharsa P.S. Case No. 546 of 2021. The petitioners also prays for quashing of the order dated 20.10.2022 passed by the learned Additional Sessions Judge, 1st, Saharsa in Cr. Revision No. 45 of 2022 arising out of Saharsa P.S. Case No. 546 of 2021.



3. As per the FIR, the informant has given rupees fourty one lakhs to the accused persons for purchasing of a piece of land and in this regard, an agreement has also been made between the parties. It is alleged that neither the accused persons have executed the sale deed nor they have refunded the amount in question and when the informant with his family members went to the house of accused Ashok Tiwari, all the accused persons abused the informant and also threatened her of dire consequences. It has also been alleged that the accused persons also abused the informant and her family members with filthy languages.

4. Learned counsel for the petitioners has submitted that matter has been settled between the informant and the petitioner which is clear and apparent from the order dated 14.3.2024 which is the bail order passed by the Judicial Magistrate, Saharsa.

5. From the bail order, it appears that the parties have settled their dispute after payment of Rs. 41 lakhs by the petitioners to the informant and a compromise petition was filed in the Court of the learned Magistrate.

6. Since the informant is from Gurugram, Haryana and the matter has been settled, she is not appearing in the case



because of the compromise.

7. Considering the fact that the matter has been settled between the parties and the entire amount of Rs. 41 lakhs has been paid to the informant by the petitioners, this application is allowed.

8. Accordingly, the order dated 06.01.2022 passed by the learned I/c Chief Judicial Magistrate, Saharsa in Saharsa P.S. Case No. 546 of 2021 as well as the order dated 20.10.2022 passed by the learned Additional Sessions Judge, 1st, Saharsa in Cr. Revision No. 45 of 2022 arising out of Saharsa P.S. Case No. 546 of 2021 and all consequential proceedings arising out of Saharsa P.S. Case No. 546 of 2021 are hereby quashed.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

