

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16648 of 2018

Arising Out of PS. Case No.-203 Year-2014 Thana- ALAMGANJ District- Patna

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1. Shambhu Saran Prasad, S/O Keshav Prasad, Resident Of Mohalla-Balkishanganj, P.S.- Alamganj, District- Patna. Presently Residing At H-405, Purva Fountain Square Marathhali Near Marathhali Bridge, P.S.-Banglore, Karnataka, Pin- 560037.
 2. Purushottam Kumar, S/O Shambhu Saran Prasad, R/O Mohalla-Balkishanganj, P.S. Alamganj, District Patna Presently Residing At 304, Ashiana Apartments, Mayur Vihar, Phase 1 Extension, Delhi- 110091.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Shakeel Akhtar, S/o Late Khadim, R/o Mohalla- Pathan Toli, P.S.-Alamganj, District- Patna. presently residing at 44/1 Site no. opposite Bridge Millenium, J.P. Nagar, 7th Phase Banglore, Karnataka, Pin- 560078.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-02-2024 1. Heard learned counsel for the petitioners and

learned APP for the State.

2. The learned counsel for the petitioners submits

that the office report records that service report of the ordinary
notice is awaited. It is next submitted that no useful purpose
would be served by keeping the present quashing application
pending for the reason to be submitted hereinafter.

3. It is submitted that one Madhuri Devi @ Madhuri
Prasad and others had filed Cr. Misc. No.19674 of 2015



seeking quashing of Alamganj P. S. Case No.203 of 2014. It is submitted that the present quashing application has been filed seeking quashing of the order dated 25.09.2017 passed by the learned A.C.J.M., Patna City, Patna in Alamganj P. S. Case No.203 of 2014, whereby cognizance of offence under Sections 406, 420, 506 and 34 of the I.P.C. has been taken.

4. It is thus submitted that in the present quashing application the order impugned is the order of cognizance while in Cr. Misc. No.19674 of 2015, a prayer was made on behalf of Madhuri Devi @ Madhuri Prasad and others for quashing of the entire Alamganj P. S. Case No.203 of 2014.

5. It is next submitted that in Cr. Misc. No.19674 of 2015, a learned Advocate had appeared on behalf of the opposite party no.2. It is submitted that the opposite party no.2 herein, had filed Title Suit No.364 of 2014 in the Court of learned Sub-Judge-1, Patna City, Patna in which Madhuri Devi along with others and petitioner no.2 were defendants. The learned counsel next submits that a compromise was entered in between the plaintiffs and defendants of Title Suit No.364 of 2014 based on which Alamganj P. S. Case No. 203 of 2014 was quashed by an order dated 04.07.2023 in Cr. Misc.



No.19674 of 2015. It is thus submitted that when the entire F.I.R. has been quashed by a learned Coordinate Bench of this Court in Cr. Misc. No.19674 of 2015, then no useful purpose would be served by keeping the present quashing application pending as the order of cognizance which is under challenge in the present quashing application emanates from Alamganj P. S. Case No.203 of 2014, which is not in existence any more.

6. The learned Additional P. P. also is not in a position to rebut the submission of the learned counsel for the petitioners.

7. Considering the submission made by the learned counsel for the petitioners, the order dated 25.09.2017 passed by the learned Additional Chief Judicial Magistrate, Patna City, Patna in Alamganj P. S. Case No.203 of 2014, whereby cognizance of offence under Sections 406, 420, 506 and 34 of the I.P.C. has been taken, **is hereby quashed.**

(Satyavrat Verma, J)

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