

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39398 of 2016

Arising Out of PS. Case No.-115 Year-2012 Thana- PATLIPUTRA District- Patna

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1. Ram Binod Sharma @ Vinod Sharma and Ors Son of Late Kamla Sharma
 2. Prabhat Ranjan, son of Ram Binod sharma.
 3. Rahul Ranjan, Son of Ram Binod sharma, All resident of House no 257, Mohalla- Nehru Nagar, P.s. - Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Radha Deiv Wife of Pramod Sharma, resident of House no.-m 257, Mohalla- Nehru Nagar, P.S. - Patliputra, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Narayan Rai, Advocate
For the Opposite Party/s : Mr.Sri Asharaf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 21-11-2024 Heard Mr. Amrendra Narayan Rai, learned counsel
for the petitioners and Mr.Sri Asharaf Ansari, learned APP for
the State.

2. The instant criminal miscellaneous petition has been filed for quashing the order dated 04.03.2014 passed in G.R. No. 2472 of 2012/T.R. No. 671 of 2014 arising out of Patliputra P.S. Case No. 115 of 2012 passed by the learned Judicial Magistrate 1st Class, Patna, whereby and whereunder the learned Magistrate has taken the cognizance of the offences under Sections 341, 323, 342, 504, 506, 34 of the Indian Penal Code (in short 'IPC') from which being aggrieved, the



petitioners have filed this petition.

3. Mr. Amrendra Narayan Rai, learned counsel appearing for the petitioners submits that both the parties are members of the same family and after partition, there was some dispute regarding common road (*rasta*). The entire dispute was amicably settled between the parties in presence of witnesses and the entire matter was compromised due to intervention of well-wishers. A written request of compromise was sent jointly to the S.H.O., Patliputra P.S. but even after the said compromise, the I.O. submitted chargesheet. After cognizance, the matter is still pending and there is no progress in the trial. It is apparent that the present dispute is of civil nature in which continuation of criminal proceeding is not required.

5. Learned APP for the State has opposed the application for quashing and submits that there is sufficient *prima facie* material to attract the alleged offences of which cognizance has been taken by the learned trial court.

6. Heard both the sides and perused the order impugned as well as the relevant materials. By order impugned the learned court below has taken cognizance of the offences punishable under Sections 341, 323, 342, 504, 506, 34 of the I.P.C. which are compoundable. The petitioners have taken the



plea that due to intervention of well-wishers the entire dispute which is mainly related to partition as well as passage for vehicles has been settled between the parties and accordingly the husband of the informant namely, Pramod Sharma along with other family members of both the parties in the presence of witnesses compromised the entire matter and thereafter jointly filed a petition (Annexure- 2) before the S.H.O., Patliputra on 25.10.2012 and in the present time also the compromise still exists in between both the parties. Learned counsel further submits that to verify the factum of said compromise this court issued notice to the O.P. No.2 but she did not turn up which shows that she had no interest either in this case as well as before the trial court. Considering all these facts and the genesis of the occurrences as well as the nature of dispute and further the settlement made by both the parties and also taking into account the fact that the alleged offences are compoundable hence this court is of the view that in the light of the said compromise if the petitioners are put on trial for the alleged offences then it will be complete harassment to them and the same will not serve the ends of justice also. Accordingly, the order impugned taking cognizance of the alleged offences as well as other criminal proceedings, if any, having arisen against



the petitioners after the cognizance of the alleged offences in connection with Patliputra P.S. Case No. 115 of 2012 are hereby quashed and the instant petition stands allowed.

(Shailendra Singh, J)

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