

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40260 of 2017

Arising Out of PS. Case No.-402 Year-2013 Thana- BEGUSARAI TOWN District- Begusarai

1. Sanjeev Kumar Singh and Ors son of Sri Rajeshwari Prasad Singh,
2. Sudhanshu Kumar son of Sri Rajeshwari Prasad Singh
3. Rajeshwari Prasad Singh son of Late Ramnandan Singh
4. Bachhi Devi wife of Rajeshwari Prasad Singh
5. Manimala Devi wife of Sanjeev Kumar Singh
6. Suman Kumari Sinha wife of Sudhanshu Kumar
7. Mahendra Prasad Singh son of Late Bindeshwari Singh All Resident of Village- Madhurapur Pubari Tola, P.S. Teghra, District Begusarai.
8. Manish Kumar son of Vijay Kumar, Resident of Village- Pakra, P.S. Navgachhia, District Bhagalpur.
9. Budhesh Kumar Sinha son of Suryadeo Prasad Singh, Resident of Village- Tisiauta, P.S. Mahua, District Vaishali.
10. Ravindra Kumar son of Suryadeo Kumar Singh, Resident of Village- Maheshi, P.S. Samastipur, District Samastipur.
11. Vivekanand Kumar Singh son of Bharat Kumar, Resident of Village- Lohia Nagar, P.S. Town, District Begusarai.
12. Suryadeo Kunwer son of Harilal Kunwer, Resident of Village- Gokhle Nagar Bishnupur, P.S. Balia, District Begusarai.
13. Ram Sogarath Singh son of Late Shivrindan Singh, Resident of Village- Ramdiri Nakati Tola, P.S. Matihani, District Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35604 of 2021

Arising Out of PS. Case No.-396 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. NILIMA THAKUR W/o Ajay Kumar Thakur Resident of Village - 7/63, 2nd Floor, S.D.A., New Delhi- 16, P.S.- Safdarganj Enclave, Distt.- South Delhi.
2. RASHMI SINHA W/o JOYTI KUMAR SINHA Resident of Village - 333 Hunz Khas, SFS Apartment, Aurotindo Marg, New Delhi- 16, P.S.- Hauz Khas, Dist.- South Delhi.
3. JOYTI KUMAR SINHA LATE AWADH KISHORE PRASAD SINHA Resident of Village - 333 Hunz Khas, SFS Apartment, Aurotindo Marg, New Delhi- 16, P.S.- Hauz Khas, Dist.- South Delhi.



4. HEMANT SHARMA LATE BISHWANATH SINGH SHARMA Resident of Village - Shivolik Colony near Malviya, Nagar, New Delhi -16, P.S.- Malviya Nagar, Dist.- South Delhi. (But In the Complaint Petition Address is given as Harrakh Kothi, P.S.- Town, Distt.- Begusarai.)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SANJEEV KUMAR SINGH SON OF RAJESHWARI PRASAD SINGH Resident of Village - Matyhurapur, Purwari Tola, P.S.- Teghra, Dist.- Begusarai at Present Lohianagar, P.S.- town, Dist.- Begusarai (Complainant).

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40260 of 2017)

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Sri Pranav Kumar

Mr. Hansraj, Advocate

Mr. Devendra Kumar Pandey, Advocate

(In CRIMINAL MISCELLANEOUS No. 35604 of 2021)

For the Petitioner/s : Mr. P.N. Sahi, Sr. Advocate

Mr. Shivam

For the Opposite Party/s : Mr. Abhay Kumar, APP

Mr. Hansraj, Advocate

Mr. Devendra Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 19-07-2024 Heard the learned counsel for the parties.

2. These applications have been filed for quashing the order dated 17.12.2016 passed by the learned Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case No. 402 of 2013 and for quashing the order dated 26.03.2015 passed by the learned Judicial Magistrate, 2nd Class, Begusarai in Complaint Case No. 0396(C)/2015.

3. By the order dated 17.07.2023, this matter was referred for mediation before Hon'ble Mr. Justice Shyam



Kishore Sharma (Former Judge of this Court). The mediation has been successful and the salient features of the mediation is mentioned in paragraph no. 07 of the mediation report.

4. Paragraph No. 07 of the Mediation Report reads as follows:-

“7. Salient points of the Settlement arrived at between the parties in the course of these Mediation Proceedings are as under:

● *Upon payment of the agreed amount by the Second Party to the First Party, all disputes between them have come to an end;*

● *First Party shall not challenge the already executed nine sale deeds dated 19/20-06-2013, as described in the Schedule to the Deed of Settlement.*

● *First Party-Plaintiffs shall unconditionally withdraw Title Suit No. 481/2014 which is pending before Sub-Judge, Begusarai;*

● *Parties shall execute and file petitions for disposal, withdrawal, compounding, compromise of all cases in the respective courts, including trials/cases arising from:*

➤ *FIR in Begusarai Town PS Case No. 402/2013*

➤ *A FIR in Begusarai Town PS Case No. 55/2015*

➤ *Complaint Case No. 396C/2015*

● *Petitioners shall give their consent in affirmation for closure of Criminal Miscellaneous No. 40260/2017 pending before the Hon'ble Patna High Court;*

● *Petitioners shall give their consent in affirmation for closure of Criminal Miscellaneous No. 35604/2021 pending before the Hon'ble Patna High Court;*



● *Petitioners shall give their consent in affirmation for closure of Criminal Revision No. 378/2023 pending before District & Sessions Judge, Begusarai*

● *Petitioners shall unconditionally withdraw CWJC No. 3563/2015 which is pending adjudication before the Hon'ble Patna High Court;*

● *First Party shall withdraw Mutation Appeal No. 45- 53/2022-23 pending before DCLR Begusarai*

● *First Party shall seek closure of Jamabandi No. 2172*

● *Parties agree that*

➤ *Deed of Settlement is final and binding upon them and all claiming through them*

➤ *Clauses of the Deed constitute the entire Settlement between them*

➤ *Nothing outside the express terms of this Deed of Settlement either exists or is relevant hereafter.”*

5. In view of the above, the parties are directed to proceed as per the result of the mediation.

6. In view of the settlement of the dispute between the parties, this application is allowed. Accordingly, the order dated 17.12.2016 passed by the learned Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case No. 402 of 2013 and the order dated 26.03.2015 passed by the learned Judicial Magistrate, 2nd Class, Begusarai in Complaint Case No. 0396(C) of 2015 are hereby quashed.



7. Both the applications stand allowed.

(Sandeep Kumar, J)

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