

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17407 of 2015

Arising Out of PS. Case No.-265 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Md. Meraz, S/o Late Shahrulla
 2. Md. Sah Alam, S/o Meraz
 3. Md. Ainuddin @ Ainuddin S/o Late Shahrulla
 4. Shamshul @ Md. Samsul, S/o Late Shahrulla
All Resident of Village-Comered Mozaffar Ahmad Nagar Loot Mohalla, P.S.
K. Hat (Sahayak), District Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Javed Jahir, S/o Late Md. Jahiruddin at present Resident of Muzaffar
Ahmad Nagar, Madhopara, P.S. K. Hat, Sahayak, District Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 16-02-2024

The present application has been filed by the petitioners for quashing of the order dated 08.01.2015 passed by the learned Sessions Judge, Purnea in Criminal Revision No.327 of 2014 by which he has rejected the revision application as not maintainable filed by the petitioners against the order dated 26.06.2014 passed by learned Judicial Magistrate-1st Class, Purnea in Complaint Case No.265 of 2014 by which he has taken cognizance of offence under Sections 420, 467 and 468 of the Indian Penal Code (for short 'IPC').



2. It appears from perusal of record and rival submissions as canvassed by the learned counsel appearing on behalf of the parties that a criminal case was registered as K. Hat P.S. Case No.434 of 2006 for the offences punishable under Sections 143, 323, 379, 384, 504 and 506 of the IPC against the petitioners and others on 07.12.2006, where complainant/opposite party no.2 was informant. After investigation, the police submitted charge-sheet under Sections 447, 341 and 323/34 of the IPC, where the learned Jurisdictional Magistrate has taken cognizance for the offences punishable under Sections 447, 341 and 323 read with 34 of the IPC against the petitioners.

3. A compromise was arrived between parties, where offences are also compoundable and pursuant to said compromise, aforesaid case was disposed of in National Lok Adalat on 23.11.2013. Subsequent thereafter, on 20.01.2014 after a gap of two months, the present complaint was filed alleging thereof that compromise as arrived between petitioners and complainant/opposite party no.2 before National Lok Adalat was obtained on the basis of fraud/forgery.

4. It is admitted position that the matter after compromise between the petitioners and opposite party no.2



was disposed of in National Lok Adalat on 23.11.2013. In this context, it would be apposite to reproduce Section 21(2) of the Legal Services Authorities Act, 1987, which runs as under:-

“21. Award of Lok Adalat.—

(1) xxx xxx xxx

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award”.

5. It would be further apposite to reproduce Para-102 of the judgment rendered by Hon’ble Apex Court in the case of **Bhajan Lal vs. State of Haryana** reported in **1992 Supp (1) SCC 335**, which is as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and



inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in



the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

6. From the factual scenario of the present case, it appears that petitioners indirectly challenged the compromise on the basis of which K.Hat P.S. Case No. 434 of 2006 was disposed in National Lok Adalat on 23.11.2013, which is not permissible in view of Section 21(2) of the Legal Services Authorities Act, 1987. It further appears through guideline Nos.



(6) and (7) of **Bhajan Lal case** (supra), that present case is fit to be quashed.

7. Accordingly, the order dated 26.06.2014 passed by learned Judicial Magistrate-1st Class, Purnea in Complaint Case No.265 of 2014 along with all its consequential proceeding is hereby set aside/quashed.

8. Let a copy of this order be communicated to Trial Court immediately.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2024
Transmission Date	20.02.2024

