

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58874 of 2022

Arising Out of PS. Case No.-5 Year-2009 Thana- NARKATIYAGANJ RPF/POST District-
West Champaran

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1. Rajesh Singh @ Rajesh Ranjan Singh, Son of Pramod Singh, Resident of Village - Nadda, Police Station - Bhairoganj, District- West Champaran.
 2. Pramod Singh, Son of Late Bishwanath Singh, Resident of Village- Nadda, Police Station - Bhairoganj, District - West Champaran.
 3. Wakil Singh, Son of Late Suruj Singh, Resident of Village- Nadda, Police Station - Bhairoganj, District - West Champaran.
 4. Moti Chand Yadav, Son of Bandhu Yadav, Resident of Village- Jainitola Inglisia, Police Station - Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramashish Pandit, Son of Kumar Pandit Assistant Sub Inspector, Railway Safety Force, Post Office and Police Station - Narkatiyaganj, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-06-2024 1. The instant application has been filed for the
following relief :-

“1. That this is an application for quashing the order dated 30.04.2022, passed by the Learned Judicial Magistrate (Railway), Narkatiyaganj at Bettiah, West Champaran in Trial No. 124 of 2022, arising out of Narkariyaganj G.R.P. P.S. Case No. 5 of 2009, whereby and whereunder the Learned Magistrate has framed the charge under sections 3 R.P. U.P. Act against the



petitioners.”

2. At the outset, learned counsel for the petitioners produces before this Court the orders dated 27.7.2023 and 25.9.2023, both passed in Cr. Misc. no. 86708 of 2019. Both the order are reproduced herein below for ready reference :-

“27-07-2023 *Heard the parties.*

2. This application has been filed on behalf of the petitioner for quashing the order dated 24.08.2011 passed by learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in C.A. No. 878 of 2009/Tr. No. 3548 of 2011.

3. Learned counsel for the petitioner and learned counsel for the O.P. No. 02 jointly submit that they do not want to prolong the litigations pending between them and they want both the cases may be quashed in the interest of justice.

4. In view of the above, this application is allowed.

5. Accordingly, the order dated 24.08.2011 passed by learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in C.A. No. 878 of 2009/Tr. No. 3548 of 2011 as well as all the consequential proceedings arising out of R.P.F. Narkatiyaganj P.S. Case No. 05 of 2009 are hereby quashed.”



“25-09-2023 This case has been listed under the heading “To be Mentioned” on the instance of learned counsel for the petitioner.

2. It appears that vide order dated 27.07.2023 all the proceedings of “C.A. No. 878 of 2009/Tr. No. 3548 of 2011 as well as all consequential proceedings arising out of R.P.F Narkatiyaganj P.S. Case No. 05 of 2009” and “Trial No. 124 of 2022 arising out of Narkatiyaganj G.R.P Case No. 05 of 2009 pending in the court of learned Judicial Magistrate (Railway) Narkatiyaganj at Bettiah in Cr. Misc. Case No. 58874 of 2022” have been quashed by this Court on the ground of settlement between the parties. However, in the order dated 27.07.2023, the F.I.R filed by the petitioner against Opposite Party No. 2 i.e. “Trial No. 124 of 2022 arising out of Narkatiyaganj G.R.P Case No. 05 of 2009 pending in the court of learned Judicial Magistrate (Railway) Narkatiyaganj at Bettiah in Cr. Misc. Case No. 58874 of 2022” has not been incorporated in the order.

3. In such view of the matter, both the proceedings of “C.A. No. 878 of 2009/Tr. No. 3548 of 2011 as well as all consequential proceedings arising out of R.P.F Narkatiyaganj P.S. Case No. 05 of 2009” and “Trial No. 124 of 2022 arising out of Narkatiyaganj G.R.P Case No. 05 of 2009 pending in the court of learned Judicial



Magistrate (Railway) Narkatiyaganj at Bettiah in Cr. Misc. Case No. 58874 of 2022” are hereby quashed.

4. This order will be treated to be a part of the order dated 27.07.2023.

5. Accordingly, the order dated 27.07.2023 is modified to the above extent.”

3. Learned counsel for the petitioners submits that the instant application is for quashing the order framing charge in the learned trial Court in Trial no.124 of 2022, arising out of Narkatiyaganj G.R.P P.S. Case no.5 of 2009, proceedings of which have already been quashed by order dated 25.9.2023, quoted above. The prayer made in the instant application, already having been granted to the petitioner in Cr. Misc. no. 86708 of 2019, orders passed in which have been reproduced herein above, nothing remains to be decided in the instant application.

4. In view of the above, learned counsel for the petitioners seeks permission to withdraw this application.

5. This application is disposed of as withdrawn.

(Partha Sarthy, J)

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