

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65121 of 2022

Arising Out of PS. Case No.-37 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

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1. Md. Zafir Alam S/O Md. Abbas Resident of village- Karamat Ali lane, Tatarpur, P.S.- Tatarpur, District- Bhagalpur.
 2. Md. Abbas S/O Late Abdul Mazid Resident of village- Karamat Ali lane, Tatarpur, P.S.- Tatarpur, District- Bhagalpur.
 3. Md. Jahangir @ Md. Jahangir Alam S/O Md. Abbas Resident of village- Karamat Ali lane, Tatarpur, P.S.- Tatarpur, District- Bhagalpur.
 4. Md. Sonu @ Md. Ibrar S/O Md. Abbas Resident of village- Karamat Ali lane, Tatarpur, P.S.- Tatarpur, District- Bhagalpur.
 5. Kahkasha @ Kahkasha Parveen D/O Md. Abbas Resident of village- Karamat Ali lane, Tatarpur, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Saleha Tarannum D/O Late Md. Nejamuddin Resident of Village- Hasnabad Champagnar, P.S.- Nathnagar, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rakesh Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, A.P.P.
	Mr. Praveen Kumar, Advocate
	Mr. Ravi Prakash Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-04-2024 Heard the parties.

2. Present application has been filed for quashing order dated 15.09.2022, passed by learned Additional Sessions Judge-XV, Bhagalpur in connection with Bhagalpur Mahila P. S. Case No. 37 of 2019 registered under Sections 323, 341, 379, 498A, 504, 506, 313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act whereby learned court below rejected the discharge application of the petitioners under Section 227 of the Cr.P.C.

3. Learned counsel for the petitioners submits that



during pendency of the case, after intervention of the family members and well-wishers, both the parties have amicably settled the dispute out of the court and they have filed a joint compromise petition before the court below on 11.03.2024, copy of which is annexed as supplementary affidavit to the instant application.

4. Learned counsel for the O.P. No. 2 does not dispute the contention made on behalf of the petitioners.

5. In view of the trivial and private nature of dispute and factum of compromise as well as the decision of the Hon'ble Supreme Court pronounced in case of ***Gian Singh Vs. State of Punjab & Another, reported in (2012)10 SCC 303***, in my view, the continuance of criminal proceeding after compromise between the parties would amount to an abuse of the process of the court, hence the order dated 15.09.2022, passed by learned Additional Sessions Judge-XV, Bhagalpur in connection with Bhagalpur Mahila P. S. Case No. 37 of 2019 stands quashed with respect to these petitioners.

6. This application is allowed, accordingly.

(Prabhat Kumar Singh, J)

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