

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1352 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Ranjan Prasad Singh Son Of Ganesh Prasad Singh R/O Mohalla- Chhautani Bazar, (WARD No.18), P.S.- Chhatauni, District- East Champaran At Motihari
 2. Ganesh Prasad Singh Son Of Late Brahmdev Singh R/O Mohalla- Chhautani Bazar, (WARD No.18), P.S.- Chhatauni, District- East Champaran At Motihari
 3. Kunal Kumar Son Of Late Arun Rai R/O Mohalla- Chhautani Bazar, (WARD No.18), P.S.- Chhatauni, District- East Champaran At Motihari
 4. Alok Kumar Singh @ Alok Kumar Son Of Dhrup Rai R/O Mohalla- Chhautani Bazar, (WARD No.18), P.S.- Chhatauni, District- East Champaran At Motihari
 5. Shobha Devi Wife Of Ganesh Prasad Singh R/O Mohalla- Chhautani Bazar, (WARD No.18), P.S.- Chhatauni, District- East Champaran At Motihari

... .. Petitioners

Versus

1. The State Of Bihar
2. Rakesh Kumar Son Of Rajeshwar Prasad Singh R/O Village- Mathiya Dih, (WARD No.17), P.S.- Chhatauni, District- East Champaran At Motihari

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Rakesh Kumar No.1, Advocate
For the State	:	Mr.Tarun Prasad Mandal, Addl Public Prosecutor
for opposite party no.2	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioners, the State
and opposite party no.2.

2. This application has been filed for quashing order dated 1.9.2022, passed in Complaint Case No. 277 of 2020 by which the Court below has taken cognizance of the offence against the petitioners under sections 323, 341, 504, 379, 420, 363/34 of the IPC.



3. As per the prosecution case, all the accused persons including these petitioners, named in the complaint, came to the house of the complainant/ opposite party no.2 and on the point of arms, they snatched cash Rs. 5 lacs and ornaments and also abducted son of the complainant.

4. Daughter of petitioner no.2 was married with opposite party no.2 in 2002. It is jointly prayed by the parties that though the offences for which cognizance has been taken are not compoundable, however, good sense has prevailed and dispute has amicably been settled between the parties. In this regard, they have also filed a compromise petition dated 17.5.2023 in the court below. They submit that considering the private and trivial nature of dispute and compromise between the parties, continuation of the criminal proceeding would amount to an abuse of the process of the court. Reliance has been placed on case of **Gian Singh Vs. State of Punjab & Another**, reported in **(2012)10 SCC 303**. They submit that even in the case of non- compoundable offences, in view of the compromise arrived at between the parties, this Court can quash the proceeding in exercise of power under Section 482 Cr.P.C.

5. Considering the aforesaid case law and the facts and circumstances of this case, 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 impugned cognizance order dated 1.9.2022, with respect to these petitioners, stands quashed and this application is allowed accordingly.

(Prabhat Kumar Singh, J)

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