

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76300 of 2023

Arising Out of PS. Case No.-907 Year-2014 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Om Prakash Dhankar Son Of Sri Mohbat Singh Resident Of Village -
Dhakla,, P.S. - Sadar Jhajjar, District - Jhajjar (HARYANA)

... .. Petitioner

Versus

1. The State Of Bihar
2. Nand Kishore Singh Son Of Late Ram Shreshtha Singh Resident Of Village
- Jainagar, P.S. - Jainagar, District - Madhubani

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Rahul Kumar, Advocate
For the Opposite Party	:	Mr.Ramchandra Sahni, Addl Public Prosecutor Mr. Vishal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-03-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing order dated 19.07.2014 passed by the learned C.J.M-I, Madhubani in Complaint Case No. 907 of 2014, Trial No. 354 of 2022 whereby cognizance of offences under sections 298, 500 and 504 of the Indian Penal Code was taken. IA No.1/2023 has been filed for quashing order dated 30.06.2023 and 17.10.2023 by which process under Sections 82 and 83 Cr.P.C. has been issued.

3. It is submitted by learned counsel for the petitioner that good sense has prevailed and dispute has amicably been settled between the parties. He submits that though the offences for which cognizance has been taken are not compoundable, however, considering private 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** in which it has been held 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.

4. counter affidavit has been filed by opposite party no.2. In the counter affidavit, it is stated that opposite party no.2 has filed application before the Court below for withdrawing the complaint filed against the present petitioner.

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 orders 19.7.2014, 30.6.2023 and 17.10.2023 are hereby quashed with respect to the petitioner and this application is allowed accordingly.

(Prabhat Kumar Singh, J)

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