

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72381 of 2024

Arising Out of PS. Case No.-136 Year-2022 Thana- KEWATI District- Darbhanga

1. Shaista Naz D/O Shibli Nomani @ Md Shibli Nomani
 2. Saba Naz D/O Shibli Nomani @ Md. Shibli Nomani
 3. Asfar Ali @ Md. Moavia Ansari Son of Shibli Nomani @ Md. Shibli Nomani
- All are permanently Resident of village- Dighiyar, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sahidul Haque Son of Abdul Salam R/O Vill.- Dighiyar, P.S.- Keoti, Dist.- Darbhanga.
3. Moaz Ansari @ Md. Moaz Ansari Son of Shibli Nomani @ Md. Shibli Nomani R/O Vill.- Dighiyar, P.S.- Keoti, Dist.- Darbhanga.
4. Zaheda Khatoon Wife of Shibli Nomani @ Md. Shibli Nowani R/O Vill.- Dighiyar, P.S.- Keoti, Dist.- Darbhanga.
5. Shibli Nomani @ Md. Shibli Nomani Son of Bashiruddin @ Md. Bashiruddin R/O Vill.- Dighiyar, P.S.- Keoti, Dist.- Darbhanga.
6. Shagufta Naz Daughter of Shibli Nowani @ Md. Shibli Nomani R/O Vill.- Dighiyar, P.S.- Keoti, Dist.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.Ashfaqe Ahmad, Advocate Mr.Umesh Kumar Verma, Advocate
For the Opposite Party/s	:	Dr.Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-11-2025

Heard Mr. S. Ashfaqe Ahmad along with Mr. Umesh Kumar Verma, learned counsels appearing on behalf of the petitioners and Dr. Mrityunjaya Kumar Gautam, learned APP for the State.

2. The present application has been filed under Section 482 of Cr.P.C. for quashing of order dated 27.05.2024



passed in Criminal Revision No.196 of 2023 by the learned Sessions Judge, Darbhanga dismissing Criminal Revision No.196 of 2023 and upholding order dated 06.03.2023, by which the learned J.M. First Class, Darbhanga had taken cognizance under Sections 341, 323, 504 and 506/34 of the IPC differing with final form submitted in Keoti PS Case No136 of 2022.

3. As per the allegation made in the FIR, the petitioners and other accused persons were constructing their house in the way of the informant, which was objected by him; upon which petitioners along with the other accused persons assaulted the informant and his mother. They also took away one Mobile Phone and Rs.10,000/-. The informant was treated at D.M.C.H.

4. Learned counsel appearing on behalf of the petitioners submitted that though the learned revisional court has taken note of the materials available on the record and has also considered that in want of any evidence, the final form was submitted in respect of these petitioners. Learned counsel further submitted that for the trivial issue, the petitioners and the Opposite Parties entered into some dispute leading to lodging of the FIR on the basis of false and fabricated



allegations.

5. Learned counsel finds that the dispute can be settled between the parties considering the recent law laid down by the Apex Court in the case of *Naushey Ali vs. State of U.P.*, reported in, (2025) 4 SCC 78.

6. Heard learned APP for the State, who has vehemently opposed the prayer of the petitioner. He has no objection if the parties enter into a compromise and for that the matter can be referred before the learned trial court.

7. Considering the aforesaid submissions made on behalf of the parties and the materials available on the record, as well as, taking into consideration the allegation made in the FIR and consideration made by the revisional court in respect of the materials found against the petitioners, I find that the revisional court has found that the threat was made by the telephone but the CDR record does not show that Asfar Ali (petitioner no.3) has threatened. So far as the petitioners no.1 and 2 are concerned, in absence of any specific allegation, no case is made out against them.

8. It is gainful to take note of the law laid down by the recent judgment passed by the Apex Court in the case of *Naushey Ali* (Supra).



9. In case, the parties resolve their dispute amicably, then the proceeding is required to be dropped in light of the law laid down by the Apex Court in case of *Naushey Ali* (Supra), wherein, it has been observed that “proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.” If a joint compromise petition is filed before the learned trial court, in that case, the learned trial court in the light of the judgment passed by the Apex Court in the case of *Naushey Ali* (Supra) may proceed to drop the proceeding.

10. With the above observation/direction, the present application stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2025
Transmission Date	18.11.2025

