

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45529 of 2025

Arising Out of PS. Case No.-251 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. Randhir Kumar Son of Lalan Singh Resident of Village- Balthi Rasulpur, P/S- Bochahan, Distirict- Muzaffarpur
2. Manish Kumar @ Manish Singh son of Late Sachidanand Singh Resident of Village- Balthi Rasulpur, P/S- Bochahan, Distirict- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. The Senior Superintendent of Police Muzaffarpur bihar
3. The Sub- Divisional Police Officer (East), Muzaffarpur bihar
4. The Officer in Charge of Bochaha Ps, Muzaffarpur bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 Heard Mr. Uday Prakash Shrarma, learned counsel

 appearing on behalf of the petitioners and Mr. Murli Dhar,

 learned APP for the State.

2. The present application has been filed under
Section 528 BNSS for quashing of the order dated 03.06.2025
passed in Bochaha P.S. Case No. 251 of 2023 by the learned
Additional Chief Judicial Magistrate IXth, Muzaffarpur, whereby
process under Section 82 Cr.P.C. has been issued against the
petitioners.

3. As per the allegation made in the FIR, the



petitioners along with other accused persons, had assaulted the informant and his family members causing injury, due to land dispute.

4. Learned counsel appearing on behalf of the petitioners without going into the merits of the case informs that the petitioners and informant are *agnates* and due to land dispute, an altercation took place between the parties, for which FIR has been lodged under Sections 341, 342, 323, 324, 307, 379, 325, 447, 504, 406 and 34 of the Indian Penal Code. Considering the fight between the brothers (petitioners and informant), the matter can be settled amicably. Learned counsel has relied upon the judgment of the Apex Court in the case of ***Gian Singh .Vs. State of Punjab*** reported in ***(2010) 15 SCC 118*** and the case of ***Narinder Singh and Ors. Vs. State of Punjab & Anr.*** reported in ***(2014) SCC OnLine SC 265***.

5. In this regard, Apex Court in the case of ***Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.*** reported in ***(2014) 9 SCC 653*** in Paragraph Nos. 4 & 5 has held as under:

*“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab* [*Gian Singh v. State of Punjab*, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988]). However, in a given case,*



the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] this Court has observed that: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

Needless to say that the above observations are applicable to this Court also.”

6. Petitioners have agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 31.10.2025 at 10:30 AM.

7. Learned District Court is directed to call upon the informant after issuing notice and take necessary action to refer



the matter before the learned Mediator of the District Mediation Center.

8. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.

9. In case of failure on the part of the petitioners to appear on 31.10.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

10. In case, the parties fail to reconcile, then in that case, the learned District Court shall proceed with the trial.

11. 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 as referred hereinabove.

12. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

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