

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53409 of 2022

Arising Out of PS. Case No.-61 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

1. RAMPUKARI DEVI Wife of Late Ram Narayan Panjiyar Resident of Mohalla- Bakarganj, ward no. 40, P.S- Laheriasarai, Dist- Darbhanga
2. Puja Panjiyar Wife of Niraj Panjiyar Resident of Mohalla- Bakarganj, ward no. 40, P.S- Laheriasarai, Dist- Darbhanga
3. Madhu Panjiyar Wife of Pankaj Kumar Panjiyar Resident of Mohalla- Bakarganj, ward no. 40, P.S- Laheriasarai, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34872 of 2023

Arising Out of PS. Case No.-62 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

SUJIT PANJIYAR @SUJIT KRISHNA @MONU SON OF DR. SATISH PANJIYAR RESIDENT OF VILLAGE- BAKARGANJ NEAR KRISHNA CHOWK, PO AND PS- LAHERIYASARAI, DISTT- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. PANKAJ PANJIYAR SON OF LATE RAM NARAYAN PANJIYAR RESIDENT OF VILLAGE- BAKARGANJ, WARD NO. 40, PO AND PS- LAHERIYASARAI, DISTT- DARBHANGA

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44425 of 2023

Arising Out of PS. Case No.-61 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

1. PANKAJ KUMAR PANJIYAR Son of Late Ram Narayan Panjiyar Resident of Mohalla - Bakarganj, Ward No.- 40, P.S.- Laheria Sarai, District - Darbhanga.
2. Niraj Panjiyar Son of Late Ram Narayan Panjiyar Resident of Mohalla - Bakarganj, Ward No.- 40, P.S.- Laheria Sarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar



2. Sujit Krishna Son of Dr. Satish Panjiar Resident of Mohalla - Bakarganj,
Ward No.- 40, P.S.- Laheria Sarai, District - Darbhanga.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53409 of 2022)

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr. Girish Chandra Jha, Adv.
Mr. Ashish, Advocate

For the State : Mr. Ajay Kumar Jha, Adv.

For the Informant : Mr. Lalit Narayan Jha, Adv.

(In CRIMINAL MISCELLANEOUS No. 34872 of 2023)

For the Petitioner/s : Mr. D.K. Singh, Sr. Advocate
Mr. Lalit Narayan Jha, Adv.

For the State : Md. Fahimuddin, APP

For the O.P. No.2 : Mr. Girish Chandra Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 44425 of 2023)

For the Petitioner/s : Mr. Durga Nand Jha, Advocate

For the State : Mr. Arun Kr. Pandey, APP

For the O.P. No.2 : Mr. Lalit Narayan Jha, Adv.

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT**

Date : 29-01-2026

All the three cases are being heard together as parties to the proceedings are same and the matter is arising out of a common dispute leading to case and counter case.

2. The order under challenge in Cr. Misc. No 53409 of 2022 and Cr. Misc No. 44425 of 2023 is the order dated 23.07.2022 passed by the learned Chief Judicial Magistrate, Darbhanga in connection with Leheriasarai P.S. Case No. 61 of 2018/ C.R.I- 336 of 2018, whereby and whereunder the learned Magistrate took cognizance against the petitioners of both the cases under sections 341, 323, 324, 504, 506 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as IPC) while the order impugned in Cr. Misc. No. 34872 of 2023 is the order



dated 09.05.2022 passed by the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 62 of 2018/C.R.I. – 337 of 2018, whereby and whereunder cognizance has also been taken against the petitioners in the said case under sections 341, 323, 324, 504, 506 and 34 of IPC.

3. Heard Mr. D.K. Sinha, learned Senior counsel appearing on behalf of the petitioners along with learned counsel Mr. Girish Chandra Jha in Cr. Misc. No. 53409 of 2022 and learned counsel Mr. Durganand Jha in Cr. Misc. 44425 of 2023 respectively and Mr Lalit Narayan Jha, learned counsel appearing for opposite party no. 02 in both the abovementioned cases. Learned counsel Mr. Lalit Narayan Jha appearing for the petitioner and learned Senior Counsel Mr. D.K. Sinha appearing for opposite party no. 02 and learned APP for the State, in Cr. Misc. No 34872 of 2025 were also heard.

4. The instant cases arise out of a dispute having taken place between the members of the same family, for which cases have been filed against each other with almost same allegations, one being Laheriasarai P.S. Case No. 61 of 2018 and another being Laheriasarai P.S. Case No. 62 of 2018.

5. It has been submitted by Mr. D.K. Sinha, learned



Senior counsel for the petitioners in one set of the cases that the basis of cases against each other is with regard to property dispute between the petitioners and the opposite parties inter-se and only with a view to settling scores with each other and pressurizing the parties to settle the civil dispute, the present criminal cases have been filed against each other. Learned Senior Counsel has referred to a judgment of Hon'ble Supreme Court in the case of *Md. Ibrahim & Ors. vs. State of Bihar & Anr.* reported in (2009) 8 SCC 751, wherein it has been held that there is growing tendency of civil cases being given the colour of criminal offence and the Court should always ensure that proceedings before it are not used for the purpose of settling personal scores or be used as pressure tactics to settle civil disputes. He has also referred to the case of State of *Haryana & Ors. vs. Bhajan Lal* reported in (1992) Supp (1) SCC 335 to contend that the present case falls within one of the categories of malicious prosecution.

6. Mr. Lalit Narayan Jha, learned counsel appearing on behalf of opposite party no. 02 in the aforesaid two cases where order under challenge is the order dated 09.05.2022 does not have any objection if the said order taking cognizance and the criminal proceedings arising therefrom are quashed as per



instruction from opposite party no. 02 as both parties are related and both have filed cases against each other. At the same time, in order to restore peaceful relations between parties, the learned Senior Counsel appearing for opposite party no. 02 in the criminal case arising out of Laheriasarai P.S. Case No. 61 of 2018, also does not have any objections if the order taking cognizance dated 23/07/2022 and criminal proceedings arising therefrom stand quashed.

7. Besides the above submissions, this Court has noticed that cognizance order dated 23.07.2022 passed in Cr. Misc. No. 53409 of 2022 and Cr. Misc. No. 44425 of 2023 and cognizance order dated 09.05.2022 in Cr. Misc. No. 34872 of 2023 are verbatim same with the inclusions of the same sections, demonstrating mechanical approach of the Court while issuing summons against all accused persons.

8. This Court has also been informed that the present cases are at the stage of framing of charge and till date charges have not been framed. In the peculiar situation of the cases where the parties to the proceedings are ready to settle the dispute amongst themselves and do not wish to proceed further with respect to cases filed against each other, no useful purpose would be served by continuing the proceedings related to the



present cases.

9. Taking into consideration the present factum of compromise in order to restore good relations between the parties and also taking into consideration the law laid down by the Hon'ble Supreme Court in the case of *Naushey Ali vs. State of Uttar Pradesh* reported in **(2025) 4 SCC 78** when the parties have amicably resolved the dispute, proceeding with the trial would be an exercise in futility and the ends of justice require that the settlement be given effect to by quashing the proceeding as continuance of the same would be a grave abuse of the process of Court, particularly when the dispute is settled and resolved and would only prolong bitterness between the parties and needlessly burden the justice system. Earlier, in the case of *Narinder Singh vs State of Punjab* reported in **(2014) 6 SCC 466** certain principles have been laid down by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its powers under 482 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C.) while accepting the settlement and quashing the proceedings. Paragraph no.29 of the said judgment is quoted here-in-below for ready reference :

“.... 29.2. When the parties have reached the settlement and on that basis petition for quashing



the criminal proceedings is filed, the guided factor in such cases would be to secure :

- i. ends of justice, or*
- ii. to prevent abuse of the process of any court.*

.....
.....
.... 29.6. Offences under section 307 IPC would fall in category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under by nature of injury sustained, whether such injury is inflicted on the vital/ delicate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case would be permissible for the High Court to accept the plea



compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship. ”

10. Thus, in the interest of justice, for restoring friendly ties and following legal principles as laid down by the Hon’ble Apex Court, this Court would proceed to quash both the impugned orders dated 23.05.2022 and 09.05.2022 passed by the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 61 of 2018/ C.R.I – 336/2018 and Laheriasarai P.S. Case No. 62 of 2018/ C.R.I – 337/2018 respectively, as also the criminal proceedings arising out of these orders are hereby quashed.

11. Accordingly, all the three applications being Cr. Misc. No. 53409 of 2022, Cr. Misc. No. 34872 of 2023 and Cr. Misc. No. 44425 of 2023 stand allowed.

(Soni Shrivastava, J)

Harsh/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.02.2026
Transmission Date	03.02.2026

