

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29643 of 2017**

Arising Out of PS. Case No.-2640 Year-2015 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Tajendra Kaur, W/o Charanpriti Singh and Daughter of Harisumiran Singh, Resident of Mohalla- Salimpur Ahra (Baulia), P.S.- Gandhi Maidan, District- Patna.
  2. Guruprit Kaur, D/o Harisumiran Singh Resident of Mohalla- Salimpur Ahra (Baulia), P.S.- Gandhi Maidan, District- Patna.
  3. Smt. Hermit Kaur Wife of Harisumiran Singh Resident of Mohalla- Salimpur Ahra (Baulia), P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhusudan Singh, S/o Late Avtar Singh, Resident of Mohalla- Salimpur Ahra (Baulia), P.S.- Gandhi Maidan, District- Patna.

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 79906 of 2019**

Arising Out of PS. Case No.-296 Year-2015 Thana- GANDHIMAIDAN District- Patna

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1. Madhusudan Singh, Son of Late Avtar Singh, Resident of Mohalla- Salimpur Ahara (Baulia) under Gandhi Maidan Police Station, District- Patna.
  2. Pritpal Kaur, Wife of Madhusudan Singh, Resident of Mohalla- Salimpur Ahara (Baulia) under Gandhi Maidan Police Station, District- Patna.
  3. Jasprit Singh, Son of Madhusudan Singh, Resident of Mohalla- Salimpur Ahara (Baulia) under Gandhi Maidan Police Station, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tajendra Kaur, Daughter of Harisumiran Singh, Resident of Mohalla- Salimpur Ahara (Baulia) under Gandhi Maidan Police Station, District- Patna.

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 29643 of 2017)

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| For the Petitioner/s | : | Mr. Uma Shankar, Sr. Advocate<br>Mr. Kamlesh Kumar Sharma, Advocate |
| For the state        | : | Mr. Khurshid Anwar, APP                                             |
| For the O.P. No.2    | : | Mr. Ramakant Sharma, Sr. Advocate                                   |



Mr. Praveen Kumar, Advocate  
(In CRIMINAL MISCELLANEOUS No. 79906 of 2019)  
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate  
Mr. Praveen Kumar, Advocate  
For the State : Mr. Bharat Bhushan, APP  
For the O.P. No.2 : Mr. Sunil Srivastava, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

7      06-05-2026                      1. Heard Mr. Ramakant Sharma and Mr. Uma Shankar, learned senior counsel for respective parties as well as learned APP for the State.

2. These two criminal miscellaneous applications, being Cr. Misc. No. 29643 of 2017 and Cr. Misc. No. 79906 of 2019, have been taken up together and are being disposed of by this common order as both arise out of cross cases between the same set of parties, namely Gandhi Maidan P.S. Case No. 296 of 2015 and Complaint Case No. 2640 (C) of 2015, pending before the Courts concerned.

3. The present applications have been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the respective criminal proceedings as well as the orders taking cognizance, primarily on the ground that the parties, who are closely related family members, have amicably settled their disputes and have jointly filed a compromise petition before this Court.

4. The prosecution case, in brief, is that the disputes



arose between two branches of the same family, who are closely related and residing in the same premises, primarily on account of long-standing civil disputes relating to partition and property. On 21.07.2015, an occurrence is alleged to have taken place inside the house, pursuant to which Gandhi Maidan P.S. Case No. 296 of 2015 was instituted on the basis of the *fardbeyan* of Tajender Kaur (petitioner no.1 in Cr. Misc. No. 29643 of 2017) alleging assault and abuse by the accused persons, attracting offences under Sections 341, 323, 324 and 504 read with Section 34 of the Indian Penal Code. In retaliation, Complaint Case No. 2640 (C) of 2015 was filed by Madhusudan Singh (petitioner no.1 in Cr. Misc. No. 79906 of 2019) alleging that the accused persons entered into his house, assaulted him and his family members, and committed theft of cash and ornaments, leading to cognizance being taken under Sections 323, 380, 448 and 504 read with Section 34 of the Indian Penal Code. Thus, both cases are cross versions of the same occurrence arising out of personal and familial discord.

5. Upon perusal of the materials available on record, it transpires that in Complaint Case No. 2640 (C) of 2015, after conducting an inquiry under Section 202 of the Code of Criminal Procedure and examining the complainant



(Madhusudan Singh) on solemn affirmation and witnesses during inquiry, the learned Judicial Magistrate, 1<sup>st</sup> Class, Patna took cognizance of the offences under Sections 323, 380, 448 and 504 read with Section 34 of the Indian Penal Code *vide* order dated 14.11.2016 against the accused persons which was further affirmed by the Court of learned Sessions Judge, Patna in Criminal Revision No.744 of 2016 and Criminal Revision No.787 of 2016 *vide* a common order dated 14.02.2017. Likewise, in Gandhi Maidan P.S. Case No. 296 of 2015, upon submission of charge-sheet after investigation, the learned Judicial Magistrate, 1<sup>st</sup> Class, Patna took cognizance of the offences under Sections 341, 323, 504 and 324 read with Section 34 of the Indian Penal Code against the accused persons namely, Madhusudan Singh, Pritpal Kaur and Jasprit Singh, who are petitioners in Cr. Misc. No. 79906 of 2019.

6. During the pendency of these applications, a joint compromise petition has been filed on behalf of both the parties stating, *inter alia*, that with the intervention of family members, friends and well-wishers, the disputes between them have been amicably resolved. It has been submitted that the parties, who are closely related agnates, have decided to bury their differences and restore cordial relations, and do not wish to



pursue the criminal proceedings arising out of the aforesaid cases. The compromise petition is duly supported by affidavits of the parties, and they have voluntarily expressed their consent for quashing of the respective criminal proceedings in order to bring an end to the long-standing dispute.

7. Learned counsel for the petitioners as well as learned counsel for the opposite party no.2 in both the cases jointly submit that the disputes between the parties arose out of personal and family discord and have now been amicably settled by way of compromise. It is submitted that the parties are closely related and are living in harmony after settlement, and the continuation of the criminal proceedings would serve no useful purpose and would rather amount to abuse of the process of the Court. Learned counsel further submits that in view of the compromise entered into between the parties, both the criminal proceedings as well as the orders taking cognizance are fit to be quashed in exercise of inherent powers of this Court.

8. Learned APP for the State fairly submits that the dispute between the parties is purely personal in nature and in view of the compromise taken place between them, continuation of the proceedings would amount to abuse of the process of law. He submits that appropriate orders may be passed in accordance



with law.

9. Before advertng to the facts and circumstances of the present case, it would be apposite to notice the scope and ambit of the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. The said provision saves the inherent jurisdiction of the High Court to make such orders as may be necessary to give effect to any order under the Code, to prevent abuse of the process of any Court, or otherwise to secure the ends of justice. Though such power is of wide amplitude, it is well settled that the same is to be exercised sparingly, with circumspection, and in rare and appropriate cases. However, where the dispute is essentially private in nature and continuation of the criminal proceeding would amount to abuse of the process of the Court, this Court would be justified in exercising its inherent jurisdiction to quash the proceedings in order to secure the ends of justice.

10. On a careful consideration of the materials available on record, it transpires that both the cases arise out of the same occurrence dated 21.07.2015 and are in the nature of case and counter-case between two branches of the same family. The allegations leveled by both sides are essentially against each other and are rooted in personal animosity arising out of



long-standing civil disputes relating to partition and property. The evidence collected during inquiry as well as investigation primarily consists of statements of interested witnesses, who are closely related to the parties, and no independent witness has been brought on record despite the place of occurrence being a residential locality. Thus, the criminal proceedings appear to be an offshoot of the underlying civil dispute between the parties.

**11.** It further appears that the offences alleged in both the cases are predominantly of personal nature. The allegations relating to theft and house trespass are intertwined with the same family dispute and do not have any overriding element of public interest or societal impact.

**12.** In view of the compromise entered into between the parties and considering the nature of allegations, this Court finds that the continuation of the criminal proceedings would not advance the cause of justice. Rather, it would prolong the bitterness between the parties who have now chosen to resolve their disputes amicably. The possibility of conviction in such circumstances appears remote and bleak, particularly when the parties themselves are not willing to support the prosecution case. Therefore, allowing the proceedings to continue would amount to abuse of the process of the Court.



13. It is well settled that the offences which cannot be compounded by the parties under Section 320 of the Code of Criminal Procedure, the High Court, in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, is not denuded of its power to quash the proceedings where the dispute is essentially private in nature and does not have a serious impact on society at large. The Hon'ble Supreme Court in *Gian Singh v. State of Punjab and Anr.*, reported in (2012) 10 SCC 303, *Narinder Singh and Ors. v. State of Punjab and Anr.*, reported in (2014) 6 SCC 466 and *Parbatbhai Aahir and Ors. v. State of Gujarat and Anr.*, reported in (2017) 9 SCC 641 has consistently held that in cases arising out of matrimonial, family or purely personal disputes, where the parties have amicably settled their differences, the High Court may quash even non-compoundable offences to secure the ends of justice, provided the offences are not heinous or of serious societal impact. In the present case, the allegations being rooted in a family dispute and having been amicably settled, it is in the interest of justice to exercise the inherent powers of this Court.

14. In view of the discussions made herein above, this Court is satisfied that the dispute between the parties is purely personal in nature, arising out of family discord, and the same



has been amicably settled between them. Continuation of the criminal proceedings in both the cases would serve no useful purpose and would amount to abuse of the process of the Court.

**15.** Accordingly, the orders taking cognizance as well as the entire criminal proceedings arising out of Complaint Case No. 2640 (C) of 2015 and Gandhi Maidan P.S. Case No. 296 of 2015, and also the impugned orders passed in the respective criminal revision applications, are hereby quashed/ set aside.

**16.** Both the Criminal Miscellaneous Applications stand allowed.

**17.** Interim order(s), if any, is hereby vacated.

**18.** Let a copy of this order be communicated to the Court(s) concerned forthwith for information and necessary compliance.

**(Sunil Dutta Mishra, J)**

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