

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45062 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- MANIHARI District- Katihar

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1. Dinendranath Mowar S/o- Late Harendra Mowar R/V- Bhagwati Sthan Ward No- 5 PS- Manihari Dist-Katihar
 2. Mritunjay Mowar @ Gagan Kumar Mowar s/o- Dinendranath Mowar R/V- Bhagwati Sthan Ward No- 5 PS- Manihari Dist-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prakash Mowar S/o- Gorendranath Mowar R/V- Bhagwati Sthan Ward No- 5 PS- Manihari Dist-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priyanka Singh, Adovcate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 05-02-2026 Heard the learned counsel for the parties.

2. The present application has been filed for quashing the F.I.R. being Manihari P.S. Case No. 24 of 2025 dated 30.01.2025 lodged against the petitioners for the offences under sections 109, 351(2), and 3(5) of the B.N.S.

3. At the outset, learned counsel for the respective parties submitted that the parties have entered into a compromise and a petition to such effect has been filed before the learned trial court.

4. It has been submitted by the learned counsel for the parties that good sense has prevailed and the parties have



entered into compromise on the fact that the petitioners are the own agnates being the uncle and cousin of the informant. It has further been submitted that in view of the fact that this was a personal rivalry which has led to lodging of the F.I.R. and it does not shake the public conscience, as far as the offences alleged are concerned.

5. It has next been submitted that in view of the settled principle of law as decided by the Hon'ble Supreme Court in the case of *Narinder Singh and Ors. vs. State of Punjab and Anr* reported in (2014) 6 SCC 466, wherein the Hon'ble Supreme Court has given the guidelines and laid down the principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Cr.P.C., while accepting the settlement and quashing the proceedings all in the alternative refusing to accept the settlement which direction to continue with the criminal proceedings. The Hon'ble Supreme Court further elaborated that when the parties have reached the settlement and on that basis petition for quashing the criminal proceeding is filed, the guiding factor in such cases would be to secure:

(I) ends of justice,



(II) to prevent abuse of the process
of any court.

10. The Hon'ble Supreme Court in
paragraph 29.4 observed as under:

*“29.4. On the other hand, those criminal cases
having overwhelmingly and predominantly civil character,
particularly those arising out of commercial transactions or
arising out of matrimonial relationship or family disputes
should be quashed when the parties have resolved their
entire disputes among themselves.”*

6. In the case of ***Gian Singh vs. State of Punjab***
reported in ***(2012) 10 SCC 303***, the Hon'ble Supreme Court has
held that the High Court invoking its inherent power may quash
the criminal proceedings if it is satisfied that on the face of such
settlement, there is hardly any likelihood of the offender being
convicted and if the criminal proceedings are not quashed,
justice shall be casualty and ends of justice shall be defeated.

7. The Hon'ble Supreme Court in the case of
Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr.
reported in ***(2025) 4 SCC 78*** has observed that in a case where
the parties have amicably settled their dispute the proceeding
with the trial would be futile and it would be a grave abuse of
process of law if the proceedings are not quashed.



8. In view of the aforesaid judicial pronouncements and settled principle of law, the F.I.R arising out of Manihari P.S. Case No. 24 of 2025 for the offences under sections 109, 351(2), and 3(5) of the B.N.S. is hereby quashed.

9. Accordingly, the present application stands allowed.

(Sourendra Pandey, J)

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