

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55590 of 2022

Arising out of PS. Case No.-288 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Punam Kumari S/o Sri Ambika Prasad Singh @ Ambika Mahto Permanent Resident of Village- Simraha, Ward No- 11, P.S.- Hasanpur, District Samastipur
 2. Ranjeet Kumar S/o Sri Ambika Prasad Singh @ Ambika Mahto Permanent Resident of Village- Simraha, Ward No- 11, P.S.- Hasanpur, District Samastipur
 3. Sanjeev Kumar S/o Sri Ambika Prasad Singh @ Ambika Mahto Permanent Resident of Village- Simraha, Ward No- 11, P.S.- Hasanpur, District Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jai Narain Mahto S/o Late Anup Lal Mahto Resident of Village- Simraha, Ward No-11, P.S.- Hasanpur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For OP No. 2	:	Mr. Raghav Prasad, Advocate
		Ms. Urmila Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 04-05-2026

As prayed, defect(s) as pointed out by the Office is ignored.

2. With the consent of the respective parties and in the interest of justice, the case is being heard.

3. Heard learned counsel for the petitioners, learned counsel for the Informant and learned Additional Public Prosecutor for the State.



4. Petitioners seek quashing of the order of cognizance dated 17.06.2022 passed by learned Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with C.R. No. 288 of 2019 (T. R. No. 528 of 2022) for the offences under Sections 323, 379, 427 and 504 of the IPC.

5. The Complainant lodged the case against his own brother with the allegation that they created disruption in fixing tiles on the roof, assaulted them and also snatched a bag. One of the accused Punam Kumari lodged a counter complaint. This complaint was filed on 28.05.2019 for the occurrence of 06.12.2018. Punam Kumari one of the accused had earlier filed a case on 02.05.2019 against the complainant and others *vide* complaint Case No. 237 of 2019 in which cognizance has been taken on 09.05.2022 by learned Judicial Magistrate, 1st Class, Rosera. In Complaint Case No. 288 of 2019 cognizance has been taken on 17.06.2022 by learned Judicial Magistrate, 1st Class, Rosera.

6. Perusal of the record would show that the parties have closest possible relation. Petitioner No. 1 is the daughter of Ambika Mahto. Petitioner Nos. 2 and 3 are sons of Ambika Mahto. The Opposite Party No. 2 is his own brother of Ambika Mahto. It seems that due to a petty dispute the matter was initially attempted



to be settled through Panchayat Case No. 14 of 2018 but the same was later on withdrawn. No doubt there are allegations and counter-allegations but both the complaints are woefully delayed by four months. Both the parties are agnates and disputes seem to be petty in nature and in the interest of the docket of the Court as well as relations between the parties, the entire proceeding of both the cases as well as the order of cognizance dated 09.05.2022 passed in Complaint Case No. 237 of 2019 and the entire proceeding as well as the order of cognizance dated 17.06.2022 passed in C.R. No. 288 of 2019 (T.R. No. 528 of 2010) pending before the concerned Court, Rosera, Samastipur are quashed and all consequent proceeding against all the accused persons are also quashed.

7. With the aforesaid observations, the present application stands allowed.

(Ansul, J)

Vikash/-

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

