

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58110 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- PAKARIBARAW District- Nawada

1. Rashid Mallick @ Md Rashid Hussain, S/O Aurangzeb Mallick @ Aurangzeb R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
2. Nazish Mallick, S/O Ekram R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
3. Md. Kaif @ Md. Kaif Alam, S/O Irshad Alam R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
4. Md. Zaid @ Md Zaid Alam, S/O Irshad Alam R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
5. Humayun @ Humayun Akhtar @ Himayun, S/O Late Ainul Haque @ Md Aenamul Haque R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
6. Jhangir @ Md Jhangir Haque, S/O Late Ainul Haque @ Md Aenamul Haque R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
7. Shahid @ Md Sahid Mallik, S/O Jegangir @ Md Jhangir Haque R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.
8. Kashif Mallick @ Md Kashif Zeb, S/O Aurangzed Mallick @ Aurangzeb R/O Vill.- Rais, P.S.- Pakaribarawan, Dist.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alam Mallick, S/O Late Ainul Haque R/O Vill.- Rice, P.S.- Pakaribarawan, Dist.- Nawada.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45029 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- PAKARIBARAW District- Nawada

1. Md. Habibul Rahaman @ Habibul Rahaman, S/O Late Usman R/O Village- Raies, P.S- Pakaribarawan, Distt.- Nawada.
2. Danish Raza, S/O Mustafa R/O Village- Raies, P.S- Pakaribarawan, Distt.- Nawada.
3. Tasleem Raza, S/O Late Ayub R/O Village- Raies, P.S- Pakaribarawan, Distt.- Nawada.
4. Md. Abutalib @ Abutalib, S/O Alam Meer R/O Village- Raies, P.S- Pakaribarawan, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar



2. Aurangzeb, S/O Ainul Haque, R/O Village- Raees, P.S- Pakaribarawan, Dist.- Nawada.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58110 of 2025)

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 45029 of 2025)

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 22-01-2026

Since both the applications arose from case and counter case between the parties, they are heard together and disposed off by this common judgment.

2. Both the applications have been filed by the petitioners invoking the inherent jurisdiction of this Hon'ble Court for quashing the order of cognizance passed by the learned Trial Court.

Cr. Misc. No.58110 of 2025:

3. The application bearing Cr. Misc. No. 58110 of 2025 has been filed for quashing the order dated 25.02.2025 passed by the learned Additional Chief Judicial Magistrate-II, Nawada in Pakribarawan P.S. Case No.31 of 2024 by which cognizance for the offence under Sections 341, 323, 324, 325, 307, 504, 506, 34 of the Indian Penal Code has been taken



against the petitioners.

4. The brief facts of Cr. Misc. No. 58110 of 2025 is that the FIR named accused persons including the petitioners, namely, Rashid Mallick @ Rashid Hussain, Nazish Mallick, Md. Kaif @ Md. Kaif Alam, Md. Zaid @ Zaid Alam, Humayun @ Humayun Akhtar @ Himayun, Jehangir @ Md Jhangir Haque, Shahid @ Md. Sahid Mallik and Kashif Mallick @ Md. Kashif Zeb surrounded the opposite party no.2 (Alam Mallick) and started abusing him and on protest, they assaulted him.

5. The learned counsel for the petitioners in Cr. Misc. No. 58110 of 2025 without going into the merits of the case has drawn the attention of this Court towards Annexure P-4 series, whereby the petitioner and the opposite party no.2 have compromised the dispute between them. Learned counsel for the petitioner submits that the present case in which the order impugned has been passed is an outcome of an altercation between two immediate agnates for an incident which took place on 13.01.2024 in the evening. It has further been submitted that altogether 15 persons of the entire family have been implicated in this case. Out of the 15 named accused persons, the case was found to be true only against 7 out of those 15 and the allegations levelled against the remaining 8



accused persons were found to be false. It has next been submitted that genesis of the present incident is an old case wherein the driver of the co-accused, Aurangzeb Malick, was abused and assaulted by the family members of opposite party no.2 on 11.01.2024 and for the same one, Pakaribarawan P.S. Case No. 24 of 2024 was instituted.

6. Learned counsel for the petitioner further submits that with the intervention of family and well-wishers, good sense has prevailed between the parties and they have entered into a compromise by putting their respective signatures and a compromise petition has been duly filed in the Court of competent jurisdiction and the same has been brought on record by way of Annexure P-4 series.

7. Learned counsel for the petitioner submits that the opposite party no.2 and others have also filed Cr. Misc. No.45029 of 2025 for quashing of the order taking cognizance dated 25.02.2025 rising out of Pakaribarawan P.S. Case No. 30 of 2024 lodged against the family of opposite party and others. It has been contended by the learned counsel that with the compromise between the parties, the quashing application preferred by the family of the opposite party no.2 which has been tagged along with the present case, may be heard and on



the basis of such compromise, the two cases may be quashed.

8. Learned counsel for the opposite party no.2 does not dispute the factum of compromise and he has further stated that he has also brought the compromise petition on record by way of supplementary affidavit in the case preferred by the family of opposite party no.2 being Cr. Misc. No. 45029 of 2025. It has been submitted that in view of the aforesaid compromise the parties have already agreed that they do not have any grievance left against each other and taking into account that the dispute primarily relates to a family dispute and therefore the two applications which are being heard together may be allowed.

9. Learned counsel for the parties have submitted that in view of the judgment rendered 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 or in the alternative refusing to accept the settlement with a 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.”

10. It has been submitted that 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 jurisdiction 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.

Cr. Misc. No. 45029 of 2025:



11. The application bearing Cr. Misc. No. 45029 of 2025 has been filed for quashing the order dated 25.02.2025 passed by the learned Additional Chief Judicial Magistrate-II, Nawada in Pakaribarawan P.S. Case No.30 of 2024 by which cognizance for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code has been taken against the petitioners.

12. The brief facts of Cr. Misc. No. 45029 of 2025 is that the informant of the present case had lodged an FIR against the petitioners against eleven named persons who are said to have entered the house of the informant and assaulted and have snatched away gold ornaments etc.

13. Learned counsel for the petitioners submits that the police, after investigation, submitted final form against seven persons, while charge-sheet was filed only against four accused persons.

14. Learned counsel for the petitioner, without going into the merits of the case, submits that the two sides have compromised and the said compromise petition has been filed through a supplementary affidavit, which has been brought on record and in terms of such compromise, the parties do not want to pursue the matter any further and hence the case lodged by



the side of the petitioners, which has been challenged in the connected application being Cr. Misc. No. 58110 of 2025 may be allowed on the ground of compromise.

15. Learned counsel for the opposite party no.2 submits that he does not oppose the present application in view of the compromise entered between the parties and submits that the present application may also be disposed of along with the connected Cr. Misc. No. 58110 of 2025.

Observation:

16. Upon hearing the learned counsel for the parties and taking into account the factum of compromise as also the various judicial pronouncements, including the one passed by 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, wherein it has been observed that in a case where the parties have amicably settled their dispute, the proceedings with the trial would be futile and it would be a grave abuse of the process of law if the proceedings were not quashed.

17. In view of the aforesaid, the impugned orders dated 25.02.2025 passed by the learned Additional Chief Judicial Magistrate-II, Nawada in Pakribarawan P.S. Case No.31 of 2024 and Pakaribarawan P.S. Case No.30 of 2024 as well as



the entire criminal proceedings initiated on the basis of said cases, are hereby quashed as against the petitioners.

18. Both the applications stand allowed.

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2026
Transmission Date	06.02.2026

