

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82572 of 2025

Arising Out of PS. Case No.-79 Year-2009 Thana- RAMKRISHNANAGAR District- Patna

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Vinay Kumar S/O Saryug Mahto R/O Village- Madhopur, P.S.- Silao, Dist.-
Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Vashudeo Prasad S/O Late Ranju Mahto R/O Vill.- Delwan New Bypass,
P.S.- Ram Krishnanagar, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Prasad, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar, Adv.
For the State	:	Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 05-02-2026

Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the O.P. No. 2 and learned A.P.P.
for the State.

2. The petitioner has made the following prayer in this
application :-

*“That this is an application for quashing
of the order dated 14.05.2010 passed by
the court of learned Chief Judicial
Magistrate, Patna in Ramkrishna Nagar
P. S. Case No. 79/2009 whereby and
whereunder cognizance has been taken u/s
419, 420, 406, 467, 468 and 471 of the
I.P.C. against the petitioner and others.”*



3. Learned counsel for the petitioner submits that the prosecution case was to the effect that the two named accused persons namely Abhikant Verma @ Munna and Sunil Paswan have contacted the informant for installation of mobile tower. It has further been alleged that Rs. 70,000/- was paid. However, the two persons were subsequently found that they were not working in the office of the said company and it was realized that the accused persons had swindled several persons in such manner. Learned counsel for the petitioner submits that the petitioner is the grand son of the informant. It has further been submitted that the petitioner was not named in the F.I.R. and as such he was not aware of the development made in the case. It has further been submitted that named accused persons and the informant had compromised the matter way back on 05.09.2009 and the said petition was filed before the learned trial court. It has further been submitted that despite such compromise on record, learned trial court has gone to take cognizance against the accused persons vide order dated 14.05.2010. Learned counsel for the petitioner submits that since the petitioner was not initially named accused in the F.I.R., he was not aware of such development and only when the process under Section 82 of the Cr.P.C. was issued, he came to know about the pendency



of the said case and therefore, has preferred this application. Learned counsel for the petitioner submits that the petitioner has no concern with the aforesaid incident and it is an admitted case, the money was handed over to the two named accused persons. As per the compromise, the said amount has already been returned. It has further been submitted that in view of such compromise and the offence being very personal in nature and the petitioner being not directly involved, the continuation of such proceeding would amount to abuse of the process of law.

4. Learned counsel appearing on behalf of the O.P. No. 2 has very fairly submitted that the parties have compromised. The continuation of the proceeding especially against the petitioner would not serve the purpose and it would be a trial in futility. It has further been submitted that the quashing application of the two named accused persons is pending before this Hon'ble Court however it is not disputed that the petitioner was not party to the said compromise.

5. Learned A.P.P. for the State has opposed the present application stating that the petitioner has challenged the order taking cognizance which was passed way back in the year 2010 and hence, it should not be entertained.

6. Upon hearing the learned counsel for the parties



and taking into account the fact that the submission made therein specially for the fact that the offence alleged therein, though not been compoundable, are personal in nature and in view of the compromise the same can be considered. 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 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.

7. 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.”

8. Accordingly, the order dated 14.05.2010 as well as the entire criminal proceeding arising out of Ramkrishna Nagar P. S. Case No. 79/2009, is, hereby, quashed as against the petitioner.

9. The application stands allowed.

(Sourendra Pandey, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
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