

(2011) 07 PAT CK 0109

In the Patna High Court

Case No : Criminal Miscellaneous No. 14949 of 2009

Shambhu Mishra and Others

APPELLANT

Vs

The State of Bihar and Premlata Dei @ Pinki Devi

RESPONDENT

Date of Decision : 22-07-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 34, 379, 498A

Citation : (2011) 07 PAT CK 0109

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Anjana Prakash, J.—The Petitioners have sought quashing of the order dated 12.12.2008 passed by the Judicial Magistrate, 1st class, Saran at Chapra, in Complaint Case No. 1535 of 2008 (Enquiry No. 368 of 2008) by which cognizance has been under Sections 323, 498-A, 379/34 Indian Penal Code.

2. By order dated 05.05.2009, the opposite party No. 2 was noticed in Cr. Misc. No. 14949 of 2009 and by order dated 09.11.2009 passed in Cr. Misc. No. 16013 of 2009. The opposite party No. 2 has appeared in both the cases through a duly executed vakalatnama.

3. The stand of the parties is that they have compromised the matter and there is no necessity of further proceeding with the present prosecution since it would lead to unnecessary complication in the lives of the parties involved and, therefore, joint prayer has been made that the case be quashed.

4. In view of such, entire proceeding in Complaint Case No. 1535 of 2008 (Enquiry No. 368 of 2008) pending before the Judicial Magistrate, 1st class, Saran including the order dated 12.12.2008 is hereby quashed.

5. Both the applications stand allowed.