

Sunil Kumar Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Jul-13-2016

Appellant : Sunil Kumar

Respondent : The State of Jharkhand

Advocate for Pet/Ap. : Mr. Vijayant Verma

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. M.P. No. 834 of 2016 ---

1. Kaushleshwar Kumar, S/o late Sohrai Kansi.

2. Pratima Kumari, W/o Sri Kaushleshwar Kumar.

3. Sweta Suman, Daughter of Sri Kaushleshwar Kuma. All residents of Naya Toli, K.M. Road, P.O. G.P.O., Ranchi, P.S. Lower Bazar, District-Ranchi.Petitioners
Versus 1. State of Jharkhand.

2. Janki Sahu, W/o Sri Rameshwar Sahu, R/o Village-Kathi Tand, Ratu, P.O. & P.S. Ratu, District-Ranchi. Opposite Parties --- With Cr. M.P. No. 851 of 2015
Sunil Kumar, Son of late Birsa Mahto, Resident of A-10, Saket Bihar, Harmu Housing Coloney, P.O. & P.S. Argora, District-Ranchi.Petitioner Versus The State of JharkhandOpposite Party With Cr. M.P. No. 776 of 2016 1.
Rameshwar Sahu, Son of late Laxman Sahu.

2. Janki Sahu, W/o Rameshwar Sahu.

3. Punit Chandra Sahu @ Punit Chandra, S/o Rameshwar Sahu. All residents of village-Kathi Tand, Ratu, P.O. and P.S. Ratu, District-Ranchi, Jharkhand.Petitioners Versus 1. The State of Jharkhand.

2. Sweta Suman, D/o Kaushleshwar Kumar. Resident of Naya Toli, K.M. Road, P.O. G.P.O., P.S. Lower Bazar, District-Ranchi, Jharkhand-834001.Opposite Parties. ----- CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioners : Mr. Vijayant Verma, Advocate in Cr. M.P. No. 834/2016 & Cr.M.P.No. 851/2015 For the Petitioner : Mr. N.K. Chatterjee, Advocate in Cr.M.P. No. 776/2016 For the State : A.P.P. For O.P. No. 2 : Mr. Mr. N.K. Chatterjee, Advocate in Cr.M.P. No. 834/2016 --- 02/13.07.2016 Heard Mr. Vijayant Verma, learned counsel for the petitioner in Cr.M.P. No. 834 of 2016 and Cr.M.P. No. 851 of 2015 and Mr. N.K. Chatterjee, learned counsel appearing for O.P. No. 2, who also appears as learned counsel for the petitioners in Cr.M.P. No. 776 of 2016, which is a counter case lodged against the petitioners, in which -2- Mr. Vijayant Verma, learned counsel appears for O.P. No.

2. In Cr.M.P. No. 834 of 2016 and Cr.M.P. No. 851 of 2015, the petitioners have prayed for quashing the entire criminal proceeding in connection with Ratu P.S. Case No. 79 of 2012 including the order dated 11.02.2013, by which cognizance has been taken for the offence punishable under sections 488, 379, 386, 211, 323, 504/34 of the Indian Penal Code. It appears that Ratu P.S. Case No. 79 of 2012 was instituted by the mother in law of the opposite party no. 2 in Cr.M.P. No. 776 of 2016, in which allegations were made that the petitioner no. 3-Sweta Suman had an illicit relationship with one classmate and subsequently the petitioner no. 3 in Cr.M.P. 834 of 2016 had left her matrimonial home along with ornaments and valuable articles and has also demanded ransom of Rs.15 lacs. In Cr.M.P. No.834 of 2016, the petitioner no. 1 is the father, petitioner no. 2 is the mother and petitioner no. 3, who happens to be the wife of one Punit Chandra Sahu, who is the petitioner no. 3 in Cr.M.P. No. 776 of 2016. In Cr.M.P. No. 776 of 2016, the petitioners have prayed for quashing the entire criminal proceeding in connection with Protest Complaint Case No. 2058 of 2011 including the order dated 27.05.2013, passed by the learned Judicial Magistrate, Ranchi, whereby and whereunder cognizance has been taken for the offence punishable under section

498 A of the IPC. The petitioner nos. 1 and 2 are parents in law and petitioner no. 3 is the husband of opposite party no. 3 in Cr.M.P. No. 834 of 2016. Both the parties were on inimical terms which led to institution of case against each other but subsequently due to intervention of well-wisher, the matter has been settled and for compromise in Ratu P.S. Case No. 79 of 2012, an I.A. No. 2446 of 2016 has been filed, which is by way of joint compromise petition. It appears from the said application that none of the parties want to proceed with the cases filed against each other. Mr. N.K. Chatterjee, learned counsel appearing for O.P. No. 2 in Cr. M. P. No. 834 of 2016 and Cr.M.P. No. 851 of 2015 has fairly submitted that in view of the compromise, which has been effected between both the sides, the respective parties do not intend to proceed against each other in criminal cases lodged by them. -3- In view of joint compromise petition, which has been filed in Cr.M.P. No. 834 of 2016 and which also includes Cr.M.P. No. 851 of 2015 and since both the cases relate to quashing of the FIR in Ratu P.S. Case No. 79 of 2012, the entire criminal proceedings as against the petitioners in connection with Ratu P.S. Case No. 79 of 2012 including the order dated 11.02.2013, passed by the learned Judicial Magistrate, Ranchi, by which cognizance for the offence under sections 488, 379, 386, 211, 323, 504/34 of the Indian Penal Code has been taken, are hereby quashed and set aside. As regards Cr. M.P. No. 776 of 2016, a separate joint compromise petition has been preferred by the petitioners and opposite party no. 2, in which also the contents are same to that of joint compromise petition preferred and which has been mentioned in the earlier paragraph. Learned counsel for respective parties have submitted that petitioner no. 3 has already obtained a decree of divorce from the opposite party no. 2 and has subsequently re- married. It has been submitted that in view of the compromise, the opposite party no. 2 does not want to proceed further in connection with Protest Complaint Case No. 2058 of 2011. In view of the compromise, referred to above, the entire criminal proceedings in connection with Protest Complaint Case No. 2058 of 2011 including the order dated 27.05.2013, passed by the learned Judicial Magistrate, Ranchi, by which cognizance has been taken for the offence under section 498A of the IPC, is hereby quashed and set aside. Consequent to what has been stated above, the entire criminal proceeding in connection with Ratu P.S. Case No. 79 of 2012 as well as Protest Complaint

Case No. 2058 of 2011 are hereby quashed and set aside so far as petitioners are concerned. These applications are allowed. (Rongon Mukhopadhyay, J) Rakesh/

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