

Mahesh Prasad, and ors. Vs. State of Bihar, and anr.

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Court : Patna

Decided On : Sep-06-2010

Judge : Akhilesh Chandra, J.

Acts : Code of Criminal Procedure (CrPC) - Section 482; Indian Penal Code (IPC)
- Sections 147, 323, 380

Appeal No. : CRIMINAL MISCELLANEOUS No.27777 OF 2005

Appellant : Mahesh Prasad, and ors.

Respondent : State of Bihar, and anr.

Advocate for Def. : Mr. Damodar Pd. Tiwary, Adv.

Advocate for Pet/Ap. : Mr. Shivaji Pandey; Mr. Braj Nandan Tiwari; Mr. Prashant Kr. Choudhary, Advs.

Judgement :

1. Heard learned counsel for the petitioner, learned counsel for the opposite parties and learned Additional Public Prosecutor for the State.
2. Perused the records of C.W.J.C. No. 5543/2005 dismissed as in fructuous on 29.11.2007.
3. The three applicants have preferred this application under section 482 of the Criminal Procedure Code seeking quashing of the order dated 08.06.2005 passed

by Shri Om Prakash Pandey, Judicial Magistrate, 1st Class, Patna in Complaint Case No. 599(C)/2005 taking cognizance for offences under sections 147, 323 and 380 of the Indian Penal Code.

4. As submitted from the Bar and also reveal from the records that dispute between the parties was related with tenancy of the particular premises for commercial purposes, during tenancy, some differences cropped up relating to payment of rent and eviction etc. giving rise to filing of C.W.J.C. No. 5543/2005 by the opposite party no.2 and simultaneously he filed present instant complaint before the court of Chief Judicial Magistrate, Patna.

5. Subsequently, the dispute between the parties resolved as regard to question of eviction of the premises under tenancy and opposite party no.2 vacated the same, accordingly, this court was informed and C.W.J.C. No. 5543/2005 was dismissed.

6. Here, it is also submitted on the basis thereof that there is no necessity to continue the criminal proceeding before the court below in view of the settlement arrived between the parties.

7. Considering the facts and circumstances and submission made above which stands substantiated from the order of this court passed in C.W.J.C. No. 5543/2005. Further proceeding of complaint case No. 599(C)/2005 before the court below shall be nothing but abuse of the process of law and sheer wastage of precious judicial time. Accordingly, it is quashed and this application stands allowed.

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