

Subhash Thakur Vs. State of Bihar and anr

Subhash Thakur Vs. State of Bihar and anr

SooperKanoon Citation : sooperkanoon.com/975805

Court : Patna

Decided On : May-23-2012

Appellant : Subhash Thakur

Respondent : State of Bihar and anr

Judgement :

Patna High Court Cr.Misc. No.38492 of 2009 (10) dt.23-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.38492 of 2009
===== Subhash Thakur, S/O-Late Rajaram Thakur, resident of village-Sakhua, Police Station-Udwant Nagar, District-Bhojpur, at present C/O-Vijay General Store, M.G. Road No. 1, Kandiwali (West), Mumbai-400067, Maharashtra Petitioner. Versus 1. The State of Bihar.

2. Hira Lal, S/O-Late Bawan Thakur, Resident of village-Kulharia, Police Station-Koilwar, District-Bhojpur, at present Mohalla- Ramgadhia, Ward No.30, Police Station Ara (Town), District-Bhojpur Opposite Parties.

===== CORAM:
HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA ORAL ORDER
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

23. 01-2012 Draft of rupees forty thousand bearing Draft No. 406461 prepared in the name of Opposite Party No. 2 is produced by learned counsel appearing on behalf of the petitioner. The aforesaid draft is received by Mr. Braj Kishore Singh,

learned counsel appearing on behalf of Opposite Party No. 2 and put his signature on the margin of the order sheet. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State assisted by learned counsel appearing on behalf of Opposite Party No.

2. Since the cognizance has been taken of the offences under Sections 406, 420, 120B of the Indian Penal Code as well as Section 4 of Dowry Prohibition Act and Section 406 as well Patna High Court Cr.Misc. No.38492 of 2009 (10) dt.23-01-2012 as Section 420 of the Indian Penal Code are compoundable offences with permission of the court before whom the proceeding is pending and the present matter has already been compromised between the parties and in compliance of the aforesaid compromise, the draft of rupees forty thousand has already been accepted by learned counsel appearing on behalf of the Opposite Party No. 2, there is no need to keep pending the further proceeding of Ara Town P.S. Case No. 103 of 2008. Although, Section 4 of Dowry Prohibition Act is not compoundable offence but in view of the aforesaid facts and circumstances, the continuance of the above stated Ara Town P.S. Case No. 103 of 2008 is nothing but only an abuse of process of the Court. Accordingly, Ara Town P.S. Case No. 103 of 2008 corresponding to Trial No. 2394 of 2009 pending in the court of Sub Divisional Judicial Magistrate, Ara, Bhojpur is, hereby, quashed. In the aforesaid manner, this petition stands disposed of. Let this order be communicated to the court concerned for needful. (Hemant Kumar Srivastava, J.) SHAHZAD

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com