

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1882 of 2016

Anish Singh @ Bablu Singh, son of Ravindar Singh, resident of Simla Bahal Adarsh Nagar, Jharia, P.O. & P.S. Jharia (Boragarh), District - Dhanbad Petitioner

Versus

1. The State of Jharkhand
2. Kalachand Das son of Late Yadu Das, resident of Beldih Chandankiyari, P.O. & P.S. Chandankiyari, District - Bokaro, at present Simla Bahal Colliery BCCL, P.O. & P.S. Jharia (Boragarh), District - Dhanbad Opposite Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Arun Kumar, Advocate
For the O. P. No. 2 : Mr. Pradeep Kumar Nayak, Advocate

04/30.09.2016 Heard Mr. Arun Kumar, learned counsel appearing for the petitioner and Mr. pradeep Kumar Nayak, learned counsel appearing for the opposite party no. 2.

In this application the petitioner has prayed for quashing of the entire criminal proceedings in connection with Jharia (Boragarh) P.S. Case No. 169 of 2016 registered for the offences punishable under Sections 341, 504, 506 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act.

It has been submitted by the learned counsel for the petitioner that the dispute is purely with respect to monetary transactions which has been settled at the behest of the well wishers for which the petitioner has filed a joint compromise petition along with the opposite party no. 2. Learned counsel for the petitioner submits that in view of the fact that the dispute is purely private in nature which has been settled during the pendency of this application, the entire criminal proceedings as against the petitioner deserve to be quashed and set aside.

Mr. pradeep Kumar Nayak, learned counsel appearing for the opposite party no. 2, has echoed what has been stated by the learned counsel for the petitioner and he has submitted that he does not have any grievance against the petitioner and he has no objection if the criminal proceedings are quashed.

It appears that a First Information Report was instituted by the opposite party no. 2 being Jharia (Boragarh) P.S. Case No. 169 of 2016 in which it was alleged that the informant had suffered injury on account of accident which resulted in his not attending his duties for which the opposite party no. 2 had taken a sum of Rs. 25,000/- as loan from the petitioner. It has been alleged that after he joined his duty and drawn the salary of three months the said amount was taken by the petitioner and on 17.07.2016 the loan amount was also demanded by the petitioner and when the amount was asked to be accounted for, the petitioner had abused the informant in the name of his caste leading to institution of the First Information Report.

A joint compromise petition which has been filed by way of I.A. No. 6744 of 2016 reveals that the matter has been settled between the parties. The gist of the allegations levelled in the First Information Report thus reveals a dispute with respect to the monetary transaction between the parties which has been settled at the behest of the well wishers. Since, the dispute is purely private in nature which has been compromised, it would be an exercise in futility to continue with the criminal proceedings as against the petitioner.

In view of the discussions made hereinabove, this application is allowed and the entire criminal proceedings as against the petitioner in connection with Jharia (Boragarh) P.S. Case No. 169 of 2016 registered for the offences punishable under Sections 341, 504, 506 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act are, hereby, quashed and set aside.

This application is allowed.

Pending I.A.(s), if any, also stands disposed of.

(R. Mukhopadhyay, J.)