

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2157 of 2021**

Harshita Saraf, aged about 53 years, wife of Ramesh Chandra Saraf, resident of Jora Phatak Road, Opposite Patliputra Nursing Home, P.O. & P.S. Dhansar, District- Dhanbad ... Petitioner

-Versus-

1. The State of Jharkhand
2. Asha Saraf, wife of Late Purshottam Saraf, resident of Jora Phatak Road, Opposite Patliputra Nursing Home, P.O. & P.S. Dhansar, District-Dhanbad

With

Cr.M.P. No. 2812 of 2021

Ramesh Chandra Saraf, aged about 60 years, Son of Late Rukmanand Saraf, resident of Jora Phatak Road, Opposite Patliputra Nursing Home, P.O. & P.S. Dhansar, District- Dhanbad ... **Petitioner**

-Versus-

1. The State of Jharkhand
2. Asha Saraf, wife of Late Purshottam Saraf, resident of Jora Phatak Road, Opposite Patliputra Nursing Home, P.O. & P.S. Dhansar, District-Dhanbad

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

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For the Petitioners : Mr. Abhijeet Kumar Singh, Advocate (In both cases)
For O.P. No.2 : Ms. Anushka Sharma, Advocate (In both cases)
For the State : Mr. Rajneesh Vardhan, A.P.P. (In Cr.M.P.-2812/2021)

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11/29.07.2022. Heard Mr. Abhijeet Kumar Singh, learned counsel for the petitioners, Ms. Anushka Sharma, learned counsel for opposite party no.2 and Mr. Rajneesh Vardhan, learned counsel for the State.

2. These petitions are arising out of common FIR and that is why both the petitions have been heard together with the consent of the parties.
3. These petitions have been filed for quashing the entire criminal prosecution including First Information Report in connection with Dhansar P.S. Case No.132 of 2021 registered under Sections 406, 420, 379, 467, 468, 469, 471, 504, 506 and 34 of the Indian Penal Code, pending in the court of the learned Judicial Magistrate, 1st Class, Dhanbad.

4. Mr. Abhijeet Kumar Singh, learned counsel appearing for the petitioners submits that the case is arising out of family dispute for selling out certain land of the joint property and for that the case has been lodged. He further submits that now the partition has been occurred with family members, which has been brought on record by way of filing supplementary affidavit and now the matter has been resolved between the parties.

5. Ms. Anushka Sharma, learned counsel appearing for opposite party no.2 also accepts the submission of the learned counsel for the petitioners and submits that the compromise has been entered into and the disputed has been sorted out. She further submits that opposite party no.2 does not want to proceed with the criminal prosecution.

6. In view of the above facts and considering the submissions of the learned counsel for the parties and looking to the contents of the FIR, it transpires that for selling of certain joint property by one of the family members, the FIR has been lodged and subsequently partition has occurred between the family members, which has been brought on record by way of filing supplementary affidavit. There is no societal interest. There is a dispute between two individuals and considering the judgments rendered by the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***(2012) 10 SCC 303*** and in the case of ***Narinder Singh & Ors. Versus State of Punjab & Anr.***, reported in ***(2014) 6 SCC 466***, these are fit cases to exercise power under Section 482 Cr.P.C.

7. In view of the above facts, the entire criminal prosecution including First Information Report in connection with Dhansar P.S. Case No.132 of 2021, pending in the court of the learned Judicial Magistrate, 1st Class, Dhanbad is, hereby, quashed.

8. Accordingly, these petitions stand allowed and disposed of.

9. Interim order dated 15.02.2022 passed in Cr.M.P. No.2157 of 2021 and interim order dated 07.03.2022 passed in Cr.M.P. No.2812 of 2021 stand vacated.

(Sanjay Kumar Dwivedi, J.)

Ajay/