

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No. 1085 of 2019**

1. Rambilash Singh, aged about 42 years, S/o Late Basudeo Singh, R/o Village- Nayak Bigha, P.O. Chatra, P.S. Pratap Pur, District- Chatra (Jharkhand)
2. Sahendra Singh, aged about 45 years, S/o Rambilash Singh, R/o Village- Nayak Bigha, P.O. Chatra, P.S. Pratap Pur, District- Chatra (Jharkhand)
3. Birendra Singh, aged about 50 years, S/o Late Ramdhani Singh, R/o Village- Nayak Bigha, P.O. Chatra, P.S. Pratap Pur, District- Chatra (Jharkhand) Petitioners

-Versus -

1. The State of Jharkhand
2. Suresh Singh, S/o Late Basudeo Singh, R/o Village- Nayak Bigha, P.O. Chatra, P.S. Pratap Pur, District- Chatra (Jharkhand) Opposite Parties

CORAM: - HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioner : M/s. Chatur Prasad Singh, Advocate
For the State : M/s. Sanjay Kumar Pandey, A.P.P.

02/28.02.2025

Heard the parties

Petitioners have filed this application for quashing of entire proceeding of Complaint Case No. 13 of 2004 alongwith order dated 22.08.2008 and 17.02.2009, whereby and wherein, the learned S.D.J.M., Chatra was pleased to issue process under Sections 82 and 83 of the Cr. P.C. against the petitioners.

It appears that co-accused persons had faced trial and they have been acquitted. The petitioners had absconded in this case. Thereafter, process under Section 82 and 83 of the Cr.P.C. were issued against them.

Learned counsel appearing on behalf of the petitioners has submitted that the parties had settled their dispute and other co-accused persons were acquitted in a separate trial.

From perusal of order dated 22.08.2008, it appears that the learned S.D.J.M., Chatra had issued the proclamation order and attachment order under Sections 82 and 83 of the Cr. P.C. respectively on the same day. It further appears that without issuance of warrant of arrest, process under Sections 82 and 83 of the Cr. P.C. were issued.

Issuance of process under Sections 82 and 83 of the Cr. P.C. on the same date is against the settled principal of law. Accordingly, order dated

2.

22.08.2008 is set aside. Petitioners are directed to surrender before the learned Court below within 15 days from the date of receipt of this order. Accordingly, the entire proceeding of Complaint Case No. 13 of 2004 including order dated 22.08.2008 and 17.02.2009, passed by the learned S.D.J.M., Chatra is quashed. This application is allowed.

Pending I.A., if any, stands disposed of.

(Ambuj Nath, J.)

*Nandini/-
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