

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1050 OF 2002

RANJIT KUMAR DAS AND ORS.

... APPELLANT(S)

:VERSUS:

STATE OF BIHAR AND ORS.

... RESPONDENT(S)

ORDER

This appeal is directed against the order dated 14.3.2002 in Criminal Miscellaneous No.28348/2000 passed by the learned Single Judge of the High Court of Judicature at Patna. This order was passed by the High Court in a petition filed under Section 482 of the Code of Criminal Procedure for quashing the criminal complaint.

The learned Single Judge of the Patna High Court observed as under:

"Civil and criminal remedies on the same set of facts can be available but in the circumstances of a case, if it is found that only civil remedy is available, no criminal case would lie. Criminal and civil remedies are not exclusive or co-extensive. From a perusal

of the complaint petition and statement of the complainant on solemn affirmation, it cannot be said that the ingredients of criminal offence have not been made out, the only exception being allegation relating to Sunetra Kumar Das.

In view of the aforesaid, this application is partly allowed and the impugned order and criminal proceeding against the petitioner Sunetra Kumar Das is quashed by the High Court. In so far as other petitioners are concerned, this petition is dismissed."

The appellants Ranjit Kumar Das, Chhabhi Das and Pawan Kumar Jha have approached this Court for quashing the judgment and order of the Patna High Court. During the pendency of this matter, the parties have filed a joint compromise petition which is signed by the learned counsel for the parties and all the appellants Ranjit Kumar Das, Chhabhi Das, Pawan Kumar Jha and respondent No.2 - Rajendra Prasad Choudhary and respondent No.3 - Narmada Devi. A joint Memo of Compromise is also annexed to the said petition. The joint Memo of Compromise be taken on record.

In the compromise application, it is mentioned that the appellants have agreed to give up their title, rights and interest in the house situated at Village

Mouza Dhouni, Khata No. 26, Khasra No. 280, Thana No.199, Village Dhauni, P.O. & P.S. Tarapur, District Mnger, Bihar, admeasuring 9 Dhoor in favour of respondent NO.3 who is the wife of respondent No.2.

The appellants executed a registered Power of Attorney in favour of respondent No.3 on 6.8.2009 giving rights to execute registered sale deed in favour of respondent No.2. Respondent Nos.2 and 3 have agreed to withdraw all pending civil and criminal proceedings filed by them against the appellants. The details of the pending proceedings as given in para are as under:

- (a) Criminal Complaint Case No. 548 of 1998 in the Court of Judicial Magistrate, 1st Class, Bhagalpur;
 - (b) Money Suit No. 6 of 1999 in the Court of Sub Judge IV, Bhagalpur;
- and all proceedings, if any, arising therefrom.

The parties are close relations and the dispute between them is essentially of a civil nature. Learned counsel for the State of Bihar also has no objection to the said compromise being accepted.

We, on consideration of the totality of the facts and circumstances of the case, accept the compromise which has been agreed to and signed by the

parties.

In this view of the matter, this appeal is disposed of in terms of the memo of compromise.

.....J
(DALVEER BHANDARI)

.....J
(B.S. CHAUHAN)

NEW DELHI,
SEPTEMBER 3, 2009.

