

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44970 of 2012

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Shri Vinod Baid @ Vinod Kr. Baid

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Jharkhandi Upadhyay(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 23-04-2015

Heard learned counsel for the petitioner.

This application under Section 482 Cr.P.C. has been filed by the petitioner for quashing the entire proceeding in Complaint Case No.1354(C) of 2001 registered under Sections 406 and 120B of the Indian Penal Code.

It appears that the opposite party no.2 filed the complaint on 26.07.2001 alleging that with the Company of the petitioner the opposite party no.2 has deposited Rs.7,410/- on assurance by the staff of the Company that the amount will be returned with profit/interest. It was further alleged that he contacted the Company to refund the amount deposited but they avoided. The learned counsel for the petitioner submitted that in fact the amount has already been paid to the opposite party no.2 and the matter has already been compromised between the parties. The compromise application has been annexed as Annexure-3 to

this criminal miscellaneous application. The learned counsel further submitted that since after compromise the opposite party no.2 is not appearing in the complaint case.

From perusal of the complaint application which is Annexure-1, in my opinion, it appears to be a dispute of civil nature and the parties have already been compromised and the amount has already been deposited in the Court. If the complaint case is allowed to stand, it will amount to abuse of the process of Court and it will not only harass the petitioner, who is Director of the Company but also it will amount to miscarriage of justice. Accordingly, this criminal miscellaneous application is allowed and the proceeding pursuant to the Complaint Case No.1354(C) of 2001 is hereby quashed.

(Mungeshwar Sahoo, J)

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