

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35224 of 2012

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Mumtaz Ali

..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

6 07-04-2015

In the light of the order dated 02.04.2015 a bankers cheque bearing no.581359 dated 06.04.2015 of Rs.1,00000/- (one lack only) in favour of Dr. Bipul Prakash Singh, the respondent/ complainant has been presented before me for paying to the respondent complainant. The same has been handed over to Shri Radha Mohan Pathak, the learned counsel appearing on behalf of Dr. Bipul Prakash Singh, who is not present today before me.

The transaction was commercial and the dispute has arisen out of that transaction. In the light of the settlement reached by the two sides as also in light of the judgment of the Supreme Court rendered in the case of *Gian Singh v. State of Punjab & Anr* as reported in *(2012) 10 SCC 303*, the prosecution appears an abuse of the process of the court and it does not appear advisable that the same be allowed to continue.

In the result, the petition is allowed and the prosecution is quashed.

B.Kr./-

(Dharnidhar Jha, J)

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