

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18950 of 2013

Arising Out of Case No. -820 Year- 2010 Thana -PATNA COMPLAINT CASE District- PATNA

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1. M/S Capital Foods Limited, Villa Capital, Sadhana Compound, Oshiwara Bridge , S. V. Road, Near H.P. Petrol Pump, Jogeshwari (West), Mumbai-400102
 2. Ajay Kumar Gupta, son of Sri Vijay Gupta, M.D., M/S Capital Foods Ltd., Villa Capital, Sadhana Compound, Oshiwara Bridge , S. V. Road, Near H.P. Petrol Pump, Jogeshwari (West), P.S. Mumbai, District Mumbai.
 3. Omprakash Gajraj Varma, son of Sri Gajraj Varma, Director, 58 Goa Street, 5/1 Goa Mansion Fort, P.S. Mumbai, District Mumbai.
 4. Nikhil Bharati, Zonal Sales Manager, son of Sri B. K. Singh, Zonal Sales Manager M/S Capital Foods Limited, 58 Goa Street 5/1 Goa Mansion Fort, P.S. Mumbai, District Mumbai (Maharasthra).
 5. Jignesh Sanghvi, Executive Sales Administrator, son of Sri Suresh Chandra Sanghvi, M/S Capital Foods Limited, Villa Capital, Sadhana Compound, Oshiwara Bridge , S. V. Road, Near H.P. Petrol Pump, Jogeshwari (West), P.S. Mumbai, District- Mumbai

..... Petitioner/s

Versus

1. The State of Bihar
2. Bimal Bohara, Bimal Bora, Managing Director, M/S J.B. arehousing and Trading Ltd., 17, Ashoka Place, Exhibition Road, P.S. Gandhi Maidan, Patna-800001.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Advocate with
Mr. D. N. Tiwari and
Mr. Anijit Sinha, Advocates

For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

5 30-07-2015

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Despite notice having been served, nobody appears
on behalf of opposite party no. 2 when the case is taken up.

The present application under Section 482 of the
Code of Criminal Procedure, 1973 (hereinafter referred to as the
'Code') has been filed for quashing the order dated 04.10.2010
passed by the Judicial Magistrate, 1st Class, Patna taking
cognizance under Section 420 of the Indian Penal Code in
Complaint Case No. 820C of 2010, Tr. No. 796 of 2010.

The allegation in the complaint was that the petitioner
had not paid the due amount of Rs. 43,737.35/- to the complainant.

Learned counsel for the petitioners submits that
without going into the merits of the case, a joint compromise
petition has been filed by the parties in the court below settling
their dispute and for disposing off the complaint case in terms of
the said compromise. Copy of the joint compromise petition has
been made Annexure 2 in the present application.

Learned A.P.P. submits that once a joint compromise petition has been filed, there is no occasion for the Court to interfere invoking its inherent powers under Section 482 of the Code as Section 420 of the Indian Penal Code is compoundable. It is further submitted that the petitioners having obtained interim order of stay of further proceeding in the complaint case, the court below appears to be handicapped in passing appropriate orders on the compromise petition.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds substance in the submissions of learned A.P.P. Once a joint compromise petition has already been filed before the court below for disposal of the complaint case, this Court does not find that there is occasion to interfere in the matter invoking inherent powers of the Court under Section 482 of the Code. Accordingly, the application stands disposed off.

The court below shall now proceed to pass appropriate orders in accordance with law on the joint application filed by the parties dated 05.07.2011.

(Ahsanuddin Amanullah, J)

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