

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.746 of 2013

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Rajesh Ratan Jyoti

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar--Advocate

For the State : Mr. Satyapal Singh-A.C. to S.C.-15

For the BISCOMAUN : Mr. Amar Nath Deo-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

27 20-07-2015

Supplementary counter-affidavit has been filed on
behalf of BISCOMAUN, respondent no.3, taken on record.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Consequent upon, an agreement entered into in
between the respective parties, a cold storage was taken on hire
(lease) by the petitioner on certain terms and conditions casting an
obligation upon the respective parties to discharge, which became
disputed as per submission raised on behalf of respective counsels
at an earlier occasion while hearing the instant petition and on
account thereof, due to non-payment of rent, one of the employees
of BISCOMAUN lodged this case on that very score, on an
instruction of his higher officials. During course of hearing,
respective counsels were requested to have the matter amicably
sorted out which took such long duration, so many sittings and



lastly, as averred on behalf of respective parties, the matter has been settled at rest over quantum of Rs.4,21,000/-, out of which, as per supplementary counter-affidavit, Rs.2,10,000/- had already been deposited and with regard to remaining Rs.2,11,000/- post dated cheque dated 26.12.2015 has been granted regarding which, it has been assured on behalf of learned counsel for the petitioner that it will be honoured on due presentation.

The dispute, as is evident from bare perusal of the allegation so attributed under the written report suggest out and out civil dispute, because of the fact that the averments, so contained, in written report itself divulges that on account of non-payment of rent, a sum of Rs.21,74,600/- has become due and in the aforesaid background, as held by the Hon'ble Apex Court reported in (2015) 1 SCC 513, instant proceeding is found fit to be quashed on account of having colour of civil in nature exclusively. Apart from the fact that the dispute happens to be amongst the individual and on account of compromise, would not warrant at least, the fragrance of conviction.

That being so, the first information report of Sakri P. S. Case no.61 of 2013 pending before the learned Chief Judicial Magistrate, Madhubani is hereby quashed. Petition is allowed. In case, there happens to be some sort of new cause arose in the

background of non-honouring of post dated cheque, then in that event, the respondent no.3 will be at liberty to proceed in terms of specific statute guiding the issue in between.

Vikash/-

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(Aditya Kumar Trivedi, J)