

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26827 of 2013

Arising Out of PS.Case No. -3087 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Sunil Kumar Agrawal, S/o Narsing Dayal Agrawal, R/o Kumar Toli, Near
Ashram Chowk, P.S. Sadar, Town and District Hazaribagh, Jharkhand.

.... Petitioner

Versus

1. The State of Bihar
2. M/s Amrit Feeds Limited, having its Registered office at 158, Lenin Sarani, Kolkata – 700013 and Regional Office at 12, Surya Apartment, Frazer Road, P.S. Gandhi Madan, District Patna – 800001.

.... Opposite Parties

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with

Criminal Miscellaneous No. 22114 of 2013

Arising Out of PS.Case No. -3182 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Amrit Feeds Ltd. Through Its Law Officer, Mr. Prafull Chandra Dwivedi S/O P. Dwivedi
 2. Harish Bagla S/O Gauri Prasad Bagla
 3. Gauri Prasad Bagla S/O Late Jwala Dutta Bagla
 4. Archana Bagla W/O Harish Bagla
 5. Anurag Kedia S/O Gopal Kedia
- All are having their Regional Office at 12 Surya Apartment Fraser Road,
P.S. - Gandhi Maidan, District - Patna

.... Petitioners

Versus

1. The State of Bihar
2. Saha Trading , a partnership firm having its place of business at forest colony, Cemetery Road, Hazaribagh, through one of its partner Sunil Kumar Agrawal S/O Sri Narsingh Dayal Agrawal Resident of Kumhrar Toli, Near Asharam Chowk, P.S. Sadar Town and District - Hazaribagh, Jharkhand

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.26827 of 2013)

For the Petitioner/s : Mr. Akash Chaturvedi
Mr. Gautam Kejriwal
For the Opposite Party/s : Mr. Satyendra Prasad (App)
Mr. Sanjiv Saran

(In Cr.Misc. No.22114 of 2013)

For the Petitioner/s : Mr. Sanjiv Saran
For the Opposite Party/s : Mr. R.S.Choudhary (App)
Mr. Akash Chaturvedi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 01-07-2016

Heard learned counsel for the parties.

By earlier order, both the cases were directed to be heard together, in view of the fact that in the 1st case (i.e. Cr. Misc. No. 26827 of 2013), the complaint is petitioner in the 2nd case, whereas in the 2nd case (i.e. Cr. Misc. No. 22114 of 2013), petitioner is the complainant. The allegations in both the complaint petitions were mostly pertaining to the business transaction. In both the cases, order of cognizance has been challenged.

In 1st case i.e. Cr. Misc. No. 26827 of 2013, petitioner has prayed for quashing of order dated 19-02-2013 passed by Sri Praveen Kumar Singh, learned Judicial Magistrate 1st Class, Patna in Complaint Case No. 3087(C) of 2012. By the said order, the learned Magistrate had taken cognizance of offence under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

In the 2nd case i.e. Cr. Misc. No. 22114 of 2013, petitioners have prayed for quashing of order dated 04-03-2013 passed by learned Judicial Magistrate 1st Class, Patna in Complaint Case No. 3182(C) of 2012. By the said order, the learned Magistrate had taken cognizance of offence under Sections 420 &

468 of the Indian Penal Code.

By order dated 19-04-2016, both the cases were adjourned to enable the parties to settle the dispute outside the court. Again, on 19-05-2016, it was adjourned to inform the court regarding the result of earlier endeavor. Today learned counsel for both the parties submit that dispute in between the parties has already been settled outside the court.

Learned counsel appearing on behalf of complainant in the 1st case i.e. Cr. Misc. No. 26827 of 2013 namely Sri Sanjiv Saran submits that dispute has already been settled and now complainant does not want to pursue the matter. Similarly, Sri Akash Chaturvedi, learned counsel for complainant in 2nd case i.e. Cr. Misc. No. 22114 of 2013 on instruction submits that complainant/opposite party no. 2 is not desirous to pursue the matter.

In view of the fact that good sense has prevailed and both the parties have settled their dispute, there is no reason to allow both the petitions to further proceed.

Accordingly, entire proceeding in Complaint Case No. 3087(C) of 2012 pending in the court of Judicial Magistrate 1st Class, Patna in 1st case i.e. Cr. Misc. No. 26827 of 2013 and proceeding in Complaint Case No. 3182 (C) of 2012 pending in

the court of learned Judicial Magistrate 1st Class, Patna are hereby set aside. The Petitioner(s), if they are on bail, are discharged from their bail-bonds.

Both the petitions are allowed.

(Rakesh Kumar, J.)

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