

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3912 of 2014

Arising Out of PS.Case No. -395 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Balram Singh, son of Late Budhan Singh @ Budhan Mahto
 2. Damyanti Singh @ Jaymanti Devi, wife of Balram Singh
 3. Rakesh singh, son of Balram Singh, all residents of Village Balchand Bigha, P.S. Ben, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Prasad, son of Late Saryu Prasad, resident of Village Mankipar, P.S. Dhanarua, District Patna, presently residing at Mohalla, Krishna Puri, Arura Road Gali No. 1, Vikramganj, P.S. Vikramganj, District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Advocate

For the Opposite Party/s : Mr. Satyanand Shukla(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 15-11-2016

Heard learned counsel for the petitioner and
learned APP for the State.

Notices were issued to opposite party No. 2 in
pursuance to which he had tendered appearance through his
counsel Sri Sada Nand Roy.

By order dated 12.08.2014 matter has been
referred to Patna High Court Mediation and Conciliation Centre
for resolving the dispute between the parties. The Mediator's
report of the Mediation Centre, Patna High Court has been
received on 09.12.2014 wherein it has been stated that the dispute
between the parties has been resolved through mediation.



Petitioner No. 1 Balram Singh has paid a sum of Rs. 3,10,000/- by demand draft to opposite party No. 2 Vijay Prasad on 05.12.2014 and Rs. 1,10,000/- has been paid by cash and so also a briefcase containing some articles which were given at the time of Cheka by opposite party No. 2. A Memorandum of Agreement dated 09.12.2014 has been signed by petitioner No. 1, Balram Singh and the complainant Vijay Prasad, opposite party No. 2 in presence of their respective counsels before the Mediator wherein opposite party No. 2 has accepted that nothing is due against the petitioners and has agreed to withdraw the criminal case bearing Complaint Case No. 395 of 2013 pending before the court of Judicial Magistrate, 1st Class, Vikramganj, Rohtas.

The present application has been filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 03.10.2013, passed by learned Judicial Magistrate, 1st Class, Vikramganj, Rohtas in Complaint Case No. 395/13 whereby the learned Magistrate has taken cognizance of offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

Although opposite party No. 2 is not present, but in view of the Mediator's report and the Memorandum of Agreement signed by petitioner No. 1 and opposite party No. 2,

the complainant, Complaint Case No. 395/13 as also the order taking cognizance dated 03.10.2013 are quashed.

The application is, accordingly, allowed.

(Nilu Agrawal, J.)

Rajesh/-

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