

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32022 of 2013

Arising Out of PS.Case No. -189 Year- 2013 Thana -SHASTRINAGAR District- PATNA

1. Kuntal Krishna Son Of Sri Krishna Nand C/O Dr. Brajesh Tiwary, House No. + Road No. 19, Sri Krishna Nagar, P.S. - Budha Colony, District - Patna
2. Smt Nivedita Wife Of Rahul Kumar @ Rahul Mishra Resident Of C-4, Madhav Devdhar Apartment, West Boring Canal Road, P.S. - Budha Colony, District - Patna
3. Rahul Kumar @ Rahul Mishra Son Of S. Kumar Resident Of C-4, Madhav Devdhar Apartment, West Boring Canal Road, P.S. - Budha Colony, District - Patna
4. Sri Ashwini Kumar Son Of Late Ram Chandra Singh Resident Of A/2, Singhyaswar Place, Budha Colony, P.S. - Budha Colony, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Asis Kumar Son Of Late Sita Ram Motani Resident Of 201, Kanika Mahar Apartment, P.S. - Kadamkuan, District - Patna

.... Opposite Party/s

Appearance :

- For the Petitioners : Mr. Dinkar Singh, Advocate
- For the Opposite Party/s : Mr. Shyam Kr. Singh (App)
- For Opposite Party No. 2 : Mr. Tuhin Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

9 18-04-2016 Heard learned Counsel for the petitioners, learned Counsel for Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application has been filed for quashing the First Information Report of Shastrinagar Police Station Case No. 189 of 2013, registered for the offences punishable under Sections 406, 420, 506/34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.



Today, two cheques have been produced by the learned Counsel appearing on behalf of the petitioner for being handed over to learned Counsel for Opposite Party No. 2. The first cheque, worth Rs. 1,95,000/-, is against the total cheque amount, which had stood dishonoured, leading to the institution of the First Information Report. It is not in dispute that the petitioner, by now, has paid the total amount of Rs. 12,25,000/- to the Opposite Party No. 2, which was the amount of the said cheque, which had stood dishonoured. The second cheque, worth Rs. 1,76,280/-, is against the payment of monthly (March) rent for the premises, in question.

Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner shall pay to the Opposite Party No. 2 the arrears of rent in equal monthly instalments of Rs. 1,00,000/- along with monthly rent.

Learned Counsel for the petitioner has submitted that in the background of the developments subsequent to lodging of the First Information Report, particularly, during the pendency of this application for quashing of the entire proceedings, no purpose would be served if the proceeding arising out of Shastrinagar Police Station Case No. 189 of 2013 is allowed to continue.

There is no dispute about the fact that the

Opposite Party No. 2 has filed eviction case before the competent forum.

Learned Counsel for the Opposite Party No. 2 has no objection, in the background of the developments having taken place, if the prosecution arising out of Shastrinagar Police Station Case No. 189 of 2013 is quashed. He has also agreed that the Opposite Party No. 2 shall not proceed with the First Information Report of Shastrinagar Police Station Case No. 29 of 2016, registered on 16.01.2016 and will take appropriate steps for getting the matter compromised.

Accordingly, this application is allowed. The entire prosecution arising out of Shastrinagar Police Station Case No. 189 of 2013 stands quashed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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