

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32767 of 2013

Arising Out of PS.Case No. -110 Year- 2011 Thana -MALSALAMI District- PATNA

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1. Prakash Chandra Agrawal @ Prakash Chand Agrawal @ Prakash Bithul
@ Prakash Bittal & Anr. S/O Sri Gopal Chandra Agrawal Owner Of
Agrawal Trading Company, R/O Madiyabo 509, Chandi Ji Ward, Madhya
Pradesh

2. Gopal Chandra Agrawal @ Gopal Chand@ Sudama Prasad Agrawal S/O
Late Mool Chand Agrawal Owner Of Jai Mangla Traders, R/O Madiyabo
509, Chani Ji Ward, Madhya Pradesh

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sudhir Kumar @ Pappu Bhai S/O Sri Shiv Charan Prasad Proprietor Hari
Traders, R/O Masoor Ganj, Karwan Ki Sarai, P.S.- Malsalami, Patna City,
District- Patna, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Dubey

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-04-2017 Heard both sides.

The petitioners filed the petition for quashing of the
order dated 23.03.2012 passed by the Additional Chief Judicial
Magistrate, Patna City in Malsalami P.S. Case No. 110/2011, by
which the learned Additional Chief Judicial Magistrate took
cognizance under Section 406 and other Sections of the Indian
Penal Code.

Sudhir Kumar @ Pappu Bhai lodged the case against
Prakash Chandra Agrawal, the owner of M/s Agrawal Trading



Company and Gopal Chandra Agrawal, the owner of Jay Mangla Traders for not supplying of grams in pursuance of the agreement. During the period of investigation the informant and the petitioners entered into a compromise and filed a petition before the Investigating Officer, but the Investigating Officer submitted final form under Section 173, sub-clause 2 of the Cr.P.C. finding the case true against the petitioners and therefore, the learned Additional Chief Judicial Magistrate, Patna City took cognizance.

After some argument, learned counsel for the petitioners seeks permission to withdraw this quashing petition with liberty to file a petition under Section 320 of the Cr.P.C. to drop the procedure.

In view of the fact that the case has already been compromised between the informant and the petitioners. Accordingly, this quashing petition is disposed of as withdrawn.

If the petitioner files petition under Section 320 of the Cr.P.C., the learned court below immediately pass order within a month from the date of filing of the petition in accordance with law.

(Prabhat Kumar Jha, J.)

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