

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36889 of 2014

Arising Out of PS.Case No. -213 Year- 2012 Thana -BEGUSARAI
COMPLAINT CSAE District- BEGUSARAI

- =====
1. Arjun Prasad
 2. Amarnath Prasad
 3. Parmod Prasad All Sons of Late Narsingh Mahto All resident of village-
Jai Manjay New Professor Colony, P.S.- Nagar, District- Begusarai
- Petitioners

Versus

1. The State of Bihar
2. Parmanand Sah Son of Ram Sundar Sah Resident of village- Birpur,
District- Begusarai

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Raj Dular Sah, Advocate

For the Opposite Parties : Mr. Shantanu Kumar(APP)

For the opp.party no.2 : Mr. Ravindra Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 11-10-2017

Heard learned counsel for the parties.

The instant application has been filed for quashing the order dated 19.12.2012, passed by the Judicial magistrate 1st class, Begusarai in connection with Complaint case no. 213(c) of 2012 taking cognizance for offence under section 138 of the NI Act and section 420 of the IPC. The petitioners have also prayed for quashing order dated 20.1.2014, passed by the Additional Sessions Judge, Begusarai in Cr. Rev. No. 806/2013/88/2013, whereby the revision application filed against order of cognizance dated 19.12.2012 has been rejected.

On perusal of the complaint case, it appears that the



allegation is that the petitioners had taken some money from the complainant and executed an agreement for sale in relation to certain land. The said land was allegedly in mortgage, as such, it was agreed that after receiving No Objection Certificate (NOC) with the bank, the sale deed in respect of the land, in question, would be executed in favour of the complainant. It is further alleged that when the land was not executed in his favour, then a request was made for return of the amount. Thereafter, certain cheques were given to the complainant for returning the said amount. It is alleged that these cheques were bounced due to insufficiency of the fund.

Prima facie, ingredients for taking cognizance of the offence under section 138 NI Act and section 420 IPC appear to be sufficiently present. Order taking cognizance, therefore, cannot be faulted.

Records of the instant case show that, with the consent of the parties, the matter had earlier been referred before the Lok Adalat by order dated 30.1.2017, passed in the instant case. Again, with consent of the parties, on 23.8.2017 the matter was referred to the Patna High Court, Mediation & Conciliation Center. Mediation report dated 4.10.2017 reflects that in spite of two dates fixed, i.e., 20.9.2017 and 3.10.2017, one of the parties



did not appear in the proceeding and finally the mediation failed.

Considering the aforesaid position, this Court is not inclined to exercise its jurisdiction under section 482 Cr. P. C. quashing the proceeding. Stay of proceeding in Complaint case no. 213(c) of 2012, pending before the Judicial Magistrate 1st Class, Begusarai under order dated 23.8.2017, is vacated and the Cr. Misc. application stands dismissed.

(Madhuresh Prasad, J)

Shashi.

U		T	
---	--	---	--

