

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41385 of 2013

Arising Out of PS.Case No. -1077 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Indresh Batra Son Of Sri Jairam Sharma The Managing Director Jitf Water Infrastructure Limited, Jindal Itf Centre, 28, Shivaji Marg, P.S.-Moti Nagar, New Delhi-110015

2. Jai Dwivedi Son Of Late Devi Singh The Chief Executive Officer (Ceo), Jitf Water Infrastructure Limited, Jindal Itf Centre, 28, Shivaji Marg, P.S.-Moti Nagar, New Delhi-110015

3. Amit Bajpai, Vice President, Finance, Jitf Water Infrastructure Limited, Jindal Itf Centre, 28, Shivaji Marg, P.S.-Moti Nagar, New Delhi-110015

4. Paresh Handa, The Assistant Manager (Procurement) Jitf Water Infrastructure Limited, Jindal Itf Centre, 28, Shivaji Marg, P.S.-Moti Nagar, New Delhi-110015

5. Jitf Water Infrastructure Limited, A Company Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Head Office At Jindal Itf Centre, 28, Shivaji Nmarg, P.S.-Moti Nagar, New Delhi-110015

.... Petitioners

Versus

1. The State Of Bihar

2. D.K. Pathak, Proprietor, National Engineering Services, Havings Its Office At Neema Palace, B-Block, Complex Of Goal India Real Estate Ltd. Exhibition Road, P.S.-Gandhi Maidan, Distt-Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate.

For the Opposite Party No.2 : Mr. Awadhesh Kumar Mishra, Advocate.

For the State : Mr. Gayanand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

10 07-02-2017 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the Opposite Party No.2.

This application has been filed under section 482 of the Cr.P.C. against the order dated 20.08.2013 passed in Complaint case No. 1077 © of 2013, whereby the learned Judicial Magistrate,



1st Class, Patna summoned the accused petitioners, on inquiry, under section 204 of the Cr.P.C. finding prima facie case under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the accused petitioners and Complainant Opposite Party No.2 jointly submit that the accused petitioners and Complainant Opposite Party No.2 has amicably settled the dispute and written agreement has been prepared on 14.11.2016. Accordingly, Complainant Opposite Party No.2 to is ready to accept the Cheque of Rs. 51, 30,109/- to the accused petitioners, which would appear to Annexure-P-1 to the supplementary counter affidavit filed on behalf of the Opposite Party No.2 today. As such the continuance of the proceeding in complaint case No. 1077 of 2013, in which the accused petitioners has been summoned through impugned order for offence under Section 406 and 420 of the Indian Penal Code, which is compoundable with permission of Court, will be futile exercise.

Learned counsel appearing on behalf of the petitioners further submits that cheque No. 003898 of Rs. 51, 30, 109/- drawn on ICICI Bank dated 14.11.2016 is handed over to the learned counsel of Opposite Party No.2, who also accepted the same.

In view of the submission made on behalf of the petitioners and the Opposite Party No.2 that both the parties have



arrived an agreement and accordingly Opposite Party No.2 has received the cheque of Rs. 51,30,109/- today in Court, I find that the continuance of proceeding in Complaint Case No. 1077 of 2013 will be futile exercise.

Under the aforesaid facts and circumstances, the Criminal proceeding and impugned order summoning the accused petitioners for offence under Section 406 and 420 of the Indian Penal Code in Complaint Case No. 1077 © of 2013 is hereby quashed.

(Rajendra Kumar Mishra, J)

Amit/-

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