

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29307 of 2012

Arising Out of P.S.Case No. -368 Year- 2011 Thana -null District- BHAGALPUR

- =====
1. Daljeet Singh, son of Lt. Piara Singh, resident of 201, Maitri Apartment, Ashiana Road, Patna-25, District-Patna &
 2. Shukla Mazumdar, D/O Lt. Hari Krishna Mazumdar, resident of C/O Nageshwar Mukhiya, Maharaj Ji Hata, Janata Chowk, P O/District-Purnea.

.... Petitioner

Versus

1. The State of Bihar &
2. Shiv Kumar Singh, son of Shri Madhnath Singh, resident of Ramsar, Urdu Bazar Road, P.S.-Latarpur, District-Bhagalpur, Prop. M/S Bhagalpur Tyre House, Patel Babu Road, P.S. – Kotwali, Town/Dist. Bhagalpur

.... Opposite Parties

with

=====

Criminal Miscellaneous No. 29233 of 2012

Arising Out of P.S.Case No. -368 Year- 2011 Thana -null District- BHAGALPUR

- =====
1. Sudhir Kumar Shahi, son of Shri Shyam Kishore Shahi, resident of 41, Draupadi Apartment, Behind J D Women's College, L B S Nagar, P.S.- Shastri Nasgar, Bailey Road, Patna-23, Dist, Patna
 2. Kailash Prasad Hamirwasia, son of Lt. Bajranglal Hamirwasia, resident of Near Gas Godown, Sikandarpur, P.s.-Mozahidpur, Bhagalpur, Dist. Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar &
2. Shiv Kumar Singh, son of Shri Madhnath Singh, resident of Ramsar, Urdu Bazar Road, P.S. Latarpur, Dist. Bhagalpur, Prop. M/S Bhagalpur Type House, Patal Babu Road, P.S. Kotwali, Town/District-Bhagalpur

.... Opposite Parties

=====

Appearance :

(In Cr.Misc. No.29307 of 2012)

For the Petitioners : Mr. Durgesh Kumar Singh, Advocate

For the Opposite Party No.2 : Mr. Indu Bhushan, Advocate

(In Cr.Misc. No.29233 of 2012)

For the Petitioners : Mr. Durgesh Kumar Singh, Advocate

For the Opposite Party : Mr. Indu Bhushan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-09-2017

These criminal miscellaneous application under Section 482



of the Cr.P.C. has been filed to quash the order dated 25.01.2012 passed by Judicial Magistrate, Ist Class, in Complaint Case No.368 of 2011 whereby and whereunder the learned Magistrate finding prima-facie case for the offence under Sections 385, 427 and 120B of the IPC summoned the petitioners.

2. Heard both sides and perused the record.

3. The petitioners of both the criminal miscellaneous are the officers and surveyor of Oriental Insurance Company against whom the court has taken cognizance. In course of hearing, the learned counsel for the petitioners submitted that the dispute between the parties is purely a civil dispute as the claim of Opposite Party No.2 relates to insurance claim. The complainant had filed a Complaint Case No.21 of 2013 before State Consumer Forum claiming the loss which had caused to their business premises on account of burning of his shop. It has been submitted that the said complaint case has been decided and as per direction, the petitioners have agreed to compensate the Opposite Party. The petitioners have issued a cheque for an amount of Rs.5, 09,430/- of Axis Bank bearing cheque no.173469 dated 01.09.2017 which is under transit. The said cheque is likely to be handed over to the Opposite Party No.2 within a week. Learned counsel for the Opposite Party No.2 concedes to the submissions of learned counsel for the petitioners that the matter has



been settled in view of order of State Consumer Forum.

4. Considering the submissions of parties and facts of the case, the impugned order dated 25.01.2012 passed by Judicial Magistrate, Ist Class, Bhagalpur in Complaint Case No.368 of 2011 and criminal prosecution of all the petitioners is quashed and criminal miscellaneous application is allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

