

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26728 of 2014

Arising Out of PS.Case No. -441 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Narendra Kumar Saurya, s/o Yaswant Singh, r/o vill- Lasgaripur, PS- Kanti,
Dist- Muzaffarpur

.... Petitioner

Versus

1. State of Bihar
2. Krishna Kumar Prasad Chaudhary, s/o Late Sudhakar Prasad
Chaudhary, r/o vill- Kalwari, PS- Kanti, Dist- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-08-2017 Heard the learned counsel for the petitioner. The learned counsel for opposite party no. 2 is not present and infact, he was also not present on the earlier date i.e. on 26.07.2017, meaning thereby, that the opposite party no. 2 has lost interest in the case which is apparent from the order being dictated hereinbelow.

It appears that opposite party no. 2 had filed a complaint case bearing Complaint case no. 441 of 2013 against two accused persons namely Narendra Kr. Shaurya (petitioner) and Yaswant Singh. It was alleged in the complaint petition that the opposite party no. 2 had given a huge sum of money to the father of the petitioner for executing a sale deed, however, the money was misappropriated. The learned Trial Court by an order



dated 02.11.2013 had been pleased to issue summons to the petitioner and other accused persons.

The aforesaid order dated 02.11.2013 passed by learned Sub-Divisional Judicial Magistrate (West) Muzaffarpur is under challenge in the present petition.

The learned counsel for the petitioner submits that his father had also preferred a quashing application bearing Cr. Misc. no. 682 of 2014 and the matter was referred to the Patna High Court Mediation and Conciliation Centre whereafter, the dispute has been resolved and an agreement has been arrived into between the parties and then, the father of the petitioner has also paid a sum of Rs. 3,25,000/- to the opposite party no. 2 in full and final settlement of the dispute. It is further submitted that in the light of the said agreement, this Court has been pleased to quash the order taking cognizance dated 02.11.2013 passed by learned Sub-Divisional Judicial Magistrate (West) Muzaffarpur in complaint case no. 441 of 2013. The learned counsel further submits that since the matter has been compromised and the order taking cognizance dated 02.11.2013 has also been quashed, technically, no case remains for adjudication.

Having regard to the facts and circumstances of the case, I find that the matter has been resolved between the



parties with the intervention of the Patna High Court Mediation and Conciliation Centre and upon satisfaction that the settlement amount has been paid to opposite party no. 2, this Court by an order dated 16.11.2016 passed in Cr. Misc. no. 682 of 2014 has been pleased to quash the order taking cognizance dated 02.11.2013 passed by learned Sub-Divisional Judicial Magistrate (West) Muzaffarpur in Complaint case no. 441 of 2013, T.R. no. 3019 of 2013.

In such view of the matter, nothing remains in the present case, hence, as far as petitioner herein being the son of the aforesaid Yaswant Singh (petitioner of Cr. Misc. no. 682 of 2014) is concerned, I deem it fit and appropriate to quash the order dated 02.11.2013 passed by learned Sub-Divisional Judicial Magistrate (West) Muzaffarpur in Complaint case no. 441 of 2013, T.R. no. 3019 of 2013 as well as the criminal proceedings emanating therefrom, are also set aside.

The petition is allowed. However, there shall be no order as to costs.

(Mohit Kumar Shah, J.)

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