

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14862 of 2014

Arising Out of PS.Case No. -1455 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Manish Sharma Son of Suresh Sharma R/o First Floor, Abw Tower, Sector-25
IFFCO Chowk, Gurgaon, Haryana -122001

.... Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Late Sheo Sao Proprietor, M/s Light and Sound,
Kadamkuan, Near Apsara Hotel, P.S. Kadamkuan, District-Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akashdeep
Mr. Shyameswar Kr. Singh
For the Opposite Party No.2 : Mr. Avinash Kumar
Mr. Kumar Modi
: Mr. Matloob Rab, A.P.P. 34

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the parties.

This application is filed under section 482 of the
Code of Criminal Procedure for quashing the entire criminal
proceedings, including the order issuing summons dated
15.06.2013 against the petitioner under section 403 of the I.P.C.
pending in the Court of Judicial Magistrate, 1st Class, Patna in
connection with Complaint Case No. 1455(C) of 2013.

Submission of learned counsel for the petitioner is that



in the light of the order dated 04.07.2017, both the parties have appeared before the Mediation and Conciliation Centre, Patna High Court and agreed to settle the dispute amicably. On perusal of Mediation Proceeding No. 1206 of 2014, it appears that opposite party no. 2 has agreed to pay one time settlement amount and both the parties undertake to withdraw all the pending cases civil or criminal filed against each other. Further submission of learned counsel for the petitioner is that the matter has already been compromised between the parties, and as such prays for quashing of the entire proceedings as well as the order taking cognizance.

Having considered the above facts, circumstances of the case and the materials available on record, it is evidence that the matter has been compromised between the parties. The Hon'ble Supreme Court in the case of *Gian Singh Versus State of U.P.* reported in **(2012) 10 Supreme Court Cases 303** has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case, the justice so demands. According to the Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to a heinous offence, the proceedings may be quashed.



In view of the above, the present application is allowed and the entire proceeding, including the order taking cognizance dated 15.06.2013 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1455(c) of 2013 is, hereby, quashed.

The application, accordingly, stands allowed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NO
Uploading Date	18.10.2017
Transmission Date	18.10.2017

