

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34664 of 2013

Arising Out of PS.Case No. -2136 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Srej Sahaj E-Village Ltd. (Presently Known As Sahaj E-Village Ltde.)
Rai Commercial Centre, Behind A.N. College, Radha Krishna Marg,
Shivpuri, P.S. Shashtri Ngar, District Ptna.
2. Raman Singh S/O Sachchidanand Singh Resident Of Rai Commercil
Centre, Behind A.N. Collage, Radha Krishna Maarg, Shivpuri, P.S. Shashtri
Nagar, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Dharmendra Kumar Singh S/O Nand Kishore Singh Resident Of Village
Lohradih, P.S. Rajpur Nd District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Vikram
For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-01-2017 This application has been filed on behalf of the petitioners
for quashing order dated 13.08.2011 passed in Complaint Case
No.2136 (C) of 2011 by the learned Judicial Magistrate- Ist
Class, Patna, who took cognizance under Section 323, 379 & 504
of the Indian Penal Code.

The prosecution story in short is that the complainant is
the ex-employee of the petitioners as he was selected and posted
as Manager, Material Management in the Company and worked
from the date of his joining i.e. 16.2.2009 till November, 2010.
The complainant resigned from service on 30.9.2010 but



worked till the period of notice. The complainant was relieved on 19.11.2010 and in spite of request, not paid the salary to the complainant. It is also alleged when the complainant went to demand salary, the accused persons caught hold him and assaulted him. On the basis of same, complaint case was instituted bearing Complaint Case No.2136(C) of 2011 and the learned Magistrate after enquiry finding the prima facie case against the petitioners, issued process against them. Against which, present application has been filed.

It is submitted on behalf of the petitioners that the present criminal case has been lodged against the petitioners but the FIR itself shows that the dispute is actually with regard to payment of salary to Opposite Party No.2 and in order to put pressure on the petitioners and others, the same has been filed by Opposite Party No.2.

Learned counsel for the Opposite Party No.2 has controverted the aforesaid fact.

However, after some argument, the learned counsel for the petitioners submitted that the petitioners are ready to pay back whatever dues of salary is with the Company within a period of three weeks as well as he is ready to compromise the case, once the amount is paid to the Opposite Party No.2, if the Opposite



Party No.2 agrees that in case the due amount is paid, he is ready to withdraw the present application.

Learned counsel for the Opposite Party No.2 has no objection.

In view of the facts as stated above, this case is remitted back to the learned court below with direction that once the amount is deposited in the court below for payment to the Opposite Party No.2 within a period of three weeks, the same shall be released in favour of Opposite Party No.2, in view of assertion of Opposite Party No.2 that once the amount is deposited and released, he is ready to withdraw the complaint case. Further if any such application is filed by the parties, he will dispose of the same within a period of one month from the date of filing of such petition.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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