

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11305 of 2014

Arising Out of PS.Case No. -317 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Gauri Shankar Singh Son Of Late Shiva Pravesh Singh Resident Of Village -
Taranpur, Post - Lakhanpar, P.S. - Punpun, Dist. - Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Devendra Kumar Singh @ Bhushan Singh Son Of Late Ravinandan Singh
Resident Of Village - Taranpur, Post Lakhanpur, P.S. - Punpun, Dist. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
Mr. Ashiprav Singh
For the Informant : Mr. Vijay Kumar Sinha
Mr. S.K. Bhatnagar
For the State : Mr. R. B. Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 21-07-2017

This is an application under Section 482 of the Code of
Criminal Procedure for quashing the order dated 02.03.2013
passed by Sri Ghanshyam Singh, Judicial Magistrate, 1st Class,
Patna in Complaint Case No. 317 (C) of 2013 whereunder the
Magistrate took cognizance for the offence under Sections 406 and
420 of the Indian Penal Code.

2. Heard both sides.

3. It has been submitted that as per the direction of this
Court given on 02.02.2015, the petitioner has paid an amount of
Rs. 5, 30,000/- by three cheques towards full satisfaction of the



Opposite Party No. 2, who had entered into an agreement for sale of land with the petitioner. The dispute between the parties is purely a civil dispute based on contract.

4. The learned counsel for the Opposite Party No. 2 admits this fact that the matter has been settled and he has no objection in quashing the criminal prosecution of the petitioner.

5. In the facts and circumstances of the case, I find that the criminal prosecution of the petitioner would amount to abuse of process of the Court, as the dispute between the parties is purely a civil dispute, which has been settled. The order dated 02.03.2013 passed by the court below and also the criminal prosecution of the petitioner in Complaint Case No. 317 (C) of 2013 is quashed. This Criminal Miscellaneous Application is, accordingly, allowed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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