

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38214 of 2013

Arising Out of PS.Case No. -336 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Prabha Sharma, Wife of Pawan Kumar Sharma, Resident of Q. No. B-408, I.F.C.I., Park View Apartment, Gh-15, Sector-46, P.S. + Distt-Faridabad (Haryana)
2. Pawan Kumar Sharma Son Of Sri Ram Pravesh Sharma Resident Of Q. No. B-408, I.F.C.I., Park View Apartment, Gh-15, Sector-46, P.S. + Distt-Faridabad (Haryana)

.... Petitioner/s

Versus

1. The State of Bihar
2. Brij Kishore Sinha, Son of Late Muneshwar Pd Sinha, R/O Village-Fatehpur Chain, P.S.-Awatar Nagar, Distt-Chapra At Saran, At Present R/O Nawratanpura, P.S.-Kankarbagh, Dist--Patna

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate.
For the State : Mrs. Veena Kumari Jaiswal, APP
For the Opposite Party/s : Mr. Ratnesh Roshan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 14-07-2017

Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and the learned counsel for the
State on Interlocutory Application No. 1451 of 2017.

This application, under Section 482 of the Code of
Criminal Procedure, is directed against the order dated 01.06.2013
passed in Complaint Case No. 336(C) of 2013 whereby the Judicial
Magistrate Ist Class, Patna, summoned the accused-petitioners, on
inquiry, under Section 204 of Cr.P.C finding the prima facie case,



under Section 406 of the Indian Penal Code.

Learned counsel for the petitioners and learned counsel for the opposite party no. 2 jointly submits that the dispute in between the petitioner and the opposite party no. 2 was referred to the Mediation Centre, Patna High Court, Patna, where petitioners and the opposite party no. 2 settled their dispute in terms that petitioners will pay Rs.10,00,000/- to Indra Mala Sinha, wife of opposite party no. 2, Brij Kishore Sinha and agreement has been made in between the petitioner and the opposite party no. 2, in which, petitioner, opposite party no. 2 and wife of the opposite party no. 2 put their signatures and accused-petitioners also got prepared the draft of Rs.10,00,000/- bearing no. 159246 issued by the H.D.F.C. Bank, New Delhi, on 06.07.2017 to hand over to wife of opposite party no. 2. The Opposite Party No. 2 along with his wife, Indra Mala Sinha, is present and ready to receive the draft in presence of their counsel Mr. Akhilesh Kuamr Sinha. Interlocutory Application No. 1451 of 2017 has also been filed by the opposite party no. 2.

Since, both parties have settled their dispute and draft of Rs.10,00,000/- has been received by Indra Mala Sinha, wife of the opposite party no. 2 in terms of agreement entered before the mediator in Mediation Centre, Patna High Court, in which, it has



also detailed that joint compromise petition will be used in concerned court for passing the compromise decree and offence under Section 406 of the Indian Penal Code is also compoundable at the instance of complainant-opposite party no. 2. As such, continuance of proceeding will be futile exercise.

Thus, the impugned order dated 01.06.2013 passed in Complaint Case No. 336(C) of 2013 and entire criminal proceeding is hereby quashed and accordingly this application is disposed of.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.07.2017
Transmission Date	17.07.2017

