

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18972 of 2014

Arising Out of PS.Case No. -1667 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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A.K. Srivastava @ Ajay Kumar Srivastava S/o Late Ganauri Prasad Resident of
New Bath and Room, MIG-10, Kankarbagh, Main Road, Patna-800020.

.... Petitioner

Versus

1. The State of Bihar.
2. Rajeshwar Rai S/o Late Deoki Rai Resident of Village Gausara, P.S. Kudni,
O.P. Turki, District Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Pravin Kumar, Advocate
		Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For O.P. No.2	:	Mr. Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the parties.

2. Learned counsel for the petitioner is permitted to make
necessary correction in the prayer portion in course of the day.

3. This is an application for quashing the entire criminal
proceeding including order dated 02.08.2011, passed by Judicial
Magistrate, Ist Class, Muzaffarpur in Complaint Case No.C-1667 of
2010 whereby he has taken cognizance of the offence under Sections
420 and 406 of the Indian Penal Code.

4. It is submitted by learned counsel for the petitioner that
allegation in the complaint is that the complainant gave Rs.3,50,000/- to
the petitioner to get a job in the postal department but the job was not
provided thereafter two cheques were issued by the petitioner in favour
of the complainant and those cheques got dishonoured. However, the
case of the petitioner is that the complainant wanted his son to be partner



in his business run by the petitioner, on that account he had given Rs.3,50,000/-. The offence under Sections 420 and 406 of the Indian Penal Code are compoundable in nature with the permission of the court. Earlier this matter was referred to the Mediation Centre and now both sides have compromised the case as Rs.2,50,000/- has already been paid to the complainant by demand draft so now there is no purpose for continuing the trial in criminal proceeding.

5. Mr. Ranjan Kumar, learned counsel appearing on behalf of opposite party no.2 admits to the agreement reached between both sides and complainant has already received Rs.2,50,000/- as full and final settlement so in this view of the matter continuation of the criminal proceeding in the instant matter would be abuse of the process of the Court so the entire criminal proceeding including order dated 02.08.2011, passed in Complaint Case No.C-1667 of 2010, pending in the court of Judicial Magistrate, Ist Class, Muzaffarpur is hereby quashed.

6. The application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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