

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9349 of 2014

Arising out of PS. Case No. -300 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Deo Nandan Singh son of Late Yamuna Singh Resident of Village- Bihat,
Gurudaspur Tola, P.S.- Barauni, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Singh Son of Siya Ram Singh, Resident of Village- Bihat,
Gurudaspur Tola, P.S.- Barauni, District- Begusarai

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pramod Kr. Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

10 27-01-2017 Heard Mr. Sandip Kumar Gautam, learned counsel

for the petitioner, Mr. Rajiv Ranjan Sinha, learned counsel

appearing on behalf of the opposite party no. 2 and learned A.P.P.

for the State.

The learned counsel appearing on behalf of the
petitioner submits that the petitioner has filed this quashing
application to quash the order dated 20.1.2014 passed by learned
Sessions Judge, Begusarai in Criminal Misc. No. 89 of 2012
whereby he has cancelled the bail of Deo Nandan Singh who is
petitioner in this application and also to quash proceeding in
Complaint Cases bearing No. 300C/2011, 1634C/09, 1635C/09,
1764C/09, 2296C/12 and 2308C/12. The learned counsel submits



that case was filed relating to settlement of some money claimed by the complainant. Now the matter has been amicably settled between both sides and uptill now rupees nine lakhs has been paid to opposite party no. 2 as per the settlement.

Today a supplementary affidavit has been filed with a photo copy of a bank draft of Rs. 2,50,000/- (two lakhs and fifty thousand) as last installment of settlement and Mr. Rajiv Ranjan Sinha learned counsel of Opposite Party No. 2 also acknowledges the same along with fact of compromise in between both sides of this case.

Learned counsel of the petitioner further submits that earlier an interlocutory application bearing I.A. No. 931 of 2014 was filed by the petitioner praying therein to quash the Complaint Case No. 300C of 2011 along with complaint case bearing nos. 1634C/09, 1635C/09, 1764C/09, 2296C/2012 and 2308C/2012 as all complaint cases relate to the same transaction and in particular these cases relate to bouncing of cheques earlier issued by the accused in favour of O.P. No. 2 as a security deposit and taking into consideration of all cases the entire dispute relates to the settlement of Rs. 9,00,000/- (nine lakhs) and in that connection earlier this Court by the order dated 10.11.2014 had stayed the proceedings in all aforesaid complaint cases.



Since the matter being civil in nature and relating to money transaction which has already been settled amicably between both sides, the same admitted by Mr. Rajiv Ranjan Sinha learned counsel of O.P. No. 2, so considering these facts it is not in the interest of justice to further continue these criminal proceedings.

The learned counsel appearing on behalf of the Opposite Party No. 2-Complainant acknowledges the fact of compromise in all complaint cases which were earlier included in I.A. No. 931 of 2014.

Considering the entire conspectus of the facts of the case, since the dispute relating to payment of money in connection with some business transaction has already been settled amicably, so continuance of any further proceedings in all the complaint cases would be abuse of the process of the court. Hence proceedings in the court below relating to all complaint cases bearing nos. 300C/2011, 1634C/09, 1635C/09, 1764C/09, 2296C/2012 and 2308C/2012 are hereby quashed.

In the result, this quashing application is allowed.

(Arun Kumar, J)

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