

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6758 of 2014

Arising Out of PS.Case No. -2716 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
SAMASTIPUR

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Shashi Shankar Choudhary S/O Vijay Prasad Choudhary Resident Of Nutan Tower, Flat No.-303, Block -B, Main Road Kankarbagh, P.S.- Kankarbagh, District- Patna. At Present Residing at R. Bhawan, 2nd Floor, Ramashish Chowk, P.S.- Sadar Hajipur, District- Vaishali.

.... Petitioner

Versus

1. The State Of Bihar
2. Chandrakant Tiwary S/O Sachidanand Tiwary Resident Of Village-Shitalpur Naya Tola, P.S.- Dariyapur, District- Saran at Chapra. At Present Residing at Vastu Vihar, Phase No.-1, P.S.- Sadar Hajipur, District- Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

8 19-07-2017 Heard learned counsel for the petitioner. None appears on behalf of opposite party no.2.

The petitioner has filed this quashing application under Section 482 of the Code of Criminal Procedure against the order dated 3.9.2013 passed by learned Chief Judicial Magistrate, Vaishali at Hajipur in Complaint Case No.C1-2716 of 2013 whereby he has taken cognizance of the offence under Sections 406, 420 and 120(B) of the Indian Penal Code.

The complainant's case in brief is that he had booked a flat from Vastu Vihar Builders of which accused no.1 is



Executive Director and accused no.2 is the representative which the same flat was executed by the Builder though the finishing of the flat was incomplete and the complainant got the plaster and painting and installation of windows by his own cost so he asked to return back Rs.1,52,000/- for consideration money but it was not paid.

Learned counsel appearing on behalf of the petitioner submits that already the matter has amicably compromised between both sides and in this regard the supplementary counter affidavit has been filed by opposite party no.2 admitting this fact so therefore, considering the allegation in the complaint as well as compromise reached between the parties, cognizance order dated 3.9.2013 passed in Complaint Case No.C1-2716 of 2013 including criminal proceeding in the case is set aside.

The petition stands allowed.

(Arun Kumar, J)

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