

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20417 of 2014

Arising Out of PS.Case No. -971 Year- 2009 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Krishna Murari Agrawal
 2. Vipin Kumar Agrawal, both sons of Banarsi Das Agrawal, Resident of Mohalla- Kaveri Kunj, House No. 31 & 32, P.S. New Agra, District- Agra (Uttar Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar
2. M/s.Adhunik Krishi Kendra through its Managing partner, Phazle Haque Khan, Station Chowk, Bata Road, P.S. Betia, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Mr. Shantanu Kumar (APP)
For O.P. No. 2	:	Mr. Pankaj Kumar Sinha, Advocate
		Mr. Lal Babu Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 22-06-2017 Heard learned counsels for the petitioners, State and
counsel appearing for the Opposite Party No. 2.

The application has been filed for quashing of the order dated 13.07.2010 passed by Judicial Magistrate 1st Class, Bettiah in Complaint Case No. 971 C of 2009, Trial No. 1706 of 2013 taking cognizance against the petitioners under Section 403 of the Indian Penal Code.

Counsel for the petitioners submits that the present complaint is a device evolved to realize the alleged unpaid amount of Rs. 16,640/- in connection with business of the petitioners and the opposite Party No. 2. Essentially, the dispute is of civil nature



and for enforcement of civil rights and claims filing of criminal case would be abuse of the process of law which has been settled by the Apex Court and time and again this principle was reiterated.

Counsel for the opposite party No. 2 submits that the complaint was filed after closure of the company in order to realize the unpaid dues.

Admittedly, such course is falling in the category of cases where the Supreme Court has categorically held out that the Court exercising power under Section 482 Cr. P.C. may quash the proceedings if it is precisely for enforcement of civil rights. In this connection, counsel for the petitioners placed reliance on the judgment of the Apex Court in the case of State of Haryana & Ors. Vs. Bhajan Lal & Ors.: AIR 1992 SC 604.

In view of the fact that the parties have agreed before this Court that the dispute is of civil nature, continuance of the criminal proceedings is abuse of the process of law and, accordingly, the order dated 13.7.2010 passed by Judicial Magistrate, 1st Class, Bettiah in Complaint Case No. 971 (C) of 2009, Trial No. 1706 of 2013 whereby cognizance was taken under Section 403 of the Indian Penal Code and consequently its entire proceedings arising out of the said complaint case stand



quashed.

The application is, accordingly, allowed.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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