

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12764 of 2014

Arising Out of PS.Case No. -220 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. D.K. Srivastava Son of Late Bageshwari Lal presently working as Director, Sahara Group of Companies having its Head Office at 1, Kapoorthala Complex, Aliganj, Lucknow, P.S.- Aloganj, Town- Lucknow (U.P.).
 2. Rakesh Singh Son of Sri Girjesh Singh, presently working as Zonal Chief, Sahara India, Sahara India Vihar, Boring Road Crossing, P.S.- Budha Colony, Patna.
 3. Praveen Kumar Sinha Son of Lala Lal Mohanlal presently working as Regional Manager, Sahara India, Sahara India Vihar, Boring Road Crossing, P.S.- Budha Colony, Patna
 4. Ram Govind Singh Son of Sriram Singh, Khutohna Kothi, Allhdpur, P.S.- Rajghat, District - Gorakhpur (U.P.)
 5. Deepak Kumar Son of Late Sudhir Prasad Sinha, Resident of Gokul Marg, North S.K. Puri, P.S.- S.K. Puri, District – Patna, presently Branch Manager, Sahara India, Mithapur, P.S.- Jakkanpur, Town & District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sushila Kumari Wife of Sri Shashi Ranjan Kumar Vikalp, R/o- Flat No. C-206, Vasudev Enclave, Kankarbagh, Main Road, P.S.- Kankarbagh, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhimanyu Vatsa Mr. Abhishek Singh Mr. Sudhanshu Trivedi Mr. Neeraj Kumar
For the Respondent/s	:	Mr. Sanjay Kumar Verma Mr. Bijay Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 21-07-2017

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 23.09.2013 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case no. 220(C) of 2013 whereunder the petitioners were summoned to face the trial for the



offence under Sections 420, 406 and 120-B of the I.P.C.

2. Heard both sides.

3. It has been submitted that the O.P. no. 2 filed a complaint case before the court below as the petitioner could not return the money in time. The complainant (O.P. no. 2) filed the case as she believed that the petitioners had committed fraud with her. The matter has been settled and the petitioners have already paid an amount of Rs. 7 lacs to the O.P. no. 2. The learned Addl. Sessions Judge-X, considering the compromise between the parties and payment of money to the O.P. no. 2 to her full satisfaction, had allowed the anticipatory bail on 13.01.2017 in A.B. no. 8210 of 2016. It has been further submitted that the allegation of cheating and committing breach of trust is vague and no offence as alleged is made out. The criminal prosecution of the petitioner on vague allegation as well as in view of compromise between the parties would amount of misuse of the process of the Court and so the order dated 23.09.2013 as well as criminal prosecution of these petitioners are fit to be quashed.

4. The learned counsel for the O.P. no. 2 concedes to the submissions of the petitioners to this effect that the matter has been settled and the O.P. no. 2 has no grievance against the petitioners.

5. In view of submissions of both the parties and the fact that the matter has been compromised, the order dated 23.09.2013 passed by



the passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case no. 220C of 2013 as well as criminal prosecution of these petitioners is quashed.

6. This Cr. Misc. application is, accordingly, allowed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.07.2017
Transmission Date	24.07.2017

