

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16133 of 2014

Arising Out of PS. Case No.-1879 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Meena Sinha W/o Sri Tara Nand Sinha
 2. Vipin Sinha S/o Sri Tara Nand Sinha Both Resident of village- Holding no. 118, Sindhu Babu Tola, Sisya, P.S.- Korha District & Town- Katihar, PIN-854108, at present resident of akriti Bhawan, Chetna Co-Operative, North of A.G. Colony, Police Station- Shastri Nagar, District- Patna-800025

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vishwanath Prasad Agrawal Son Of Late Kashi Prasad Tekriwal Resident Of Srikrishna Nagar, Road No.-22, Police Station- Budha Colony, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chiranjiva Ranjan
For the Opposite Party/s : Mr. SATYAVARAT VERMA(APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT

Date : 14-12-2017

Heard learned counsels for the parties.

Petitioners, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 21.12.2013 passed by Sri Ravi Ranjan, Judicial Magistrate, Patna in Complaint Case No. 1879 (C) of 2013, Tr. No. 2992 of 2013, whereby and whereunder cognizance has been taken against the petitioners for the offence under section 420, 406 of the Indian Penal Code and section 138 of the Negotiable Instruments Act.



Learned counsel appearing for the petitioners submits that no offence against these petitioners is disclosed and the present prosecution has been initiated with mala fide intention for the purposes of harassment.

Vide order dated 13.11.2014, the matter was referred to the Mediation Center. From the mediation report kept at Flag 'A', it appears that the matter was resolved between the parties on certain terms of settlement mutually agreed by the parties. Further, a joint petition vide I.A. No. 1522 of 2017 has been filed before this Court stating that in terms of agreement arrived in the mediation, opposite party no. 2 has already received the amount agreed, and as such, parties do not want to proceed further in the matter and the quashing application may be allowed.

Considering the facts and circumstances aforementioned, this Court feels that continuance of this prosecution would be an abuse of the process of law. Accordingly, the order dated 21.12.2013 passed by Sri Ravi Ranjan, Judicial Magistrate, Patna in Complaint Case No. 1879 (C) of 2013, Tr. No. 2992 of 2013, whereby and whereunder cognizance has been taken against the petitioners for the offence under section 420, 406 of the Indian Penal Code and section 138



of the Negotiable Instruments Act, is, hereby, set aside.

The application, thus, stands allowed.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	15.09.2017
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