

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38193 of 2014

Arising out of P.S.Case No.1000 Year 2012 Thana PURNIA COMPLAINT CASE District PURNIA

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Chandan Kumar Verma Son of Late Indra Deo Prasad Gupta Proprietor of Om Cement Store Opposite Laxmi Complex, Boring Road, P.S.- S.K. Puri, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Bishnu Sah Son of Late Darogi Sah Resident of Rajendra Nagar Gulab Bagh, P.O.- Gulab Bagh, P.S.- Sadar, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Awadhesh Kumar Mishra, Advocate Mr. Ajay Kumar, Advocate
For the State	:	Mr. Iftekhar Mahmood, APP
For O.P. No.2	:	Mr. Amit Kr. Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the parties.

2. Today in Court learned counsel for the petitioner handed over two demand drafts both dated 09.08.2017, one of Rs.1,00,000/- and another of Rs.60,000/- numbered as "072219" and "072220" respectively in favour of the complainant, who is also present in court as final settlement. The petitioner as a drawer of cheque had issued four cheques of Rs.40,000/- each now the opposite party no.2 payee has received the said amount.

3. Learned counsel appearing on behalf of opposite party no.2 submits that now he does not want to proceed with the complaint case filed by the complainant as he has received the



demand draft submitted by the petitioner; so in view of the changed circumstance, continuation of the criminal proceeding would be an abuse of the process of the Court.

4. In this view of the matter the entire criminal proceeding including the order of cognizance dated 01.02.2014, passed by learned Judicial Magistrate, 1st Class, Purnea in C.A. No.1000 of 2012 is hereby set aside.

5. The application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2017
Transmission Date	28.08.2017

