

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50351 of 2014

Arising Out of PS.Case No. -2975 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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K.N.Tripathi S/o Late Jag Narayan Tripathi resident of E - 348 Sector - II, P.S.
Jagnathpur, District - Ranchi Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Singh W/o Sri Prakash Singh resident of Rekha House, New Dak
Bunglaw Road, P.S. Gandhi Maidan, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 06-12-2017

This petition under Section 482 of Cr.P.C. has been
filed for quashing the order dated 28.10.2013 passed by Judicial
Magistrate 1st Class, Patna in Complaint Case No. 2975(C) of 2013 by
which cognizance has been taken against petitioner under Sections
420, 406, 120B of I.P.C.

Briefly stated, the facts of the case is that Complaint
Case No. 2975(C) of 2013 was filed by the complainant opposite
party against five persons including the petitioner. The complainant
has alleged in her complaint petition that she is house wife and
belongs to a business family, who deals in tobacco products, fast
moving consumer goods and readymade garments. The complainant



has one son, namely, Shekhar Singh, who is living separately and whose marriage was solemnized with one Nidhi Singh daughter of Ramesh Singh of Bokaro Steel City, Jharkhand. Nidhi Singh had filed a criminal case against her husband, her mother-in-law (complainant) and father-in-law (complainant's husband). It has been further stated that on account of burden of litigations she became a heart patient and is being treated in Hospital at New Delhi. Complainant had further stated that she is a pious lady and periodically visits Sai Baba Temple at Saket, New Delhi and she came in contact with accused Pragya Nand Giri Maharaj. On other accused person's persuasion, she deposited one lac twenty five thousand to perform Hawan as directed by Pragya Nand Giri, one of the accused. The complainant further alleged that the accused persons gave her assurance that they will manage criminal cases pending against them by way of persuading the parties with the help of K.N.Tripathi (petitioner) MLA of congress party in Jharkhand and cheated Rs. 61,25,000/- from her. The complainant when found herself cheated by the accused persons started demanding refund of money and accused Sadhvi Vibha Nand Giri entered into an agreement with complainant to pay Rs. 40 lacs and gave 2 post dated cheques of Rs. 20 lacs each out of which one cheque was credited and another cheque was dishonoured for which she has filed a criminal complaint.



It has been contended on behalf of learned counsel for the petitioner that there is no allegation made against him in the complaint petition and no act of misrepresentation or fraudulent inducement has been made against the petitioner, as such, no offence of cheating or criminal breach of trust is made out against the petitioner. Petitioner is a public figure and earns a high reputation in the society and has been dragged in this case without any rhyme and reasons.

During pendency of this petition, a compromise petition has been filed in the court below on 24.11.2017 by both the parties for compounding the offence under Section 320 of Cr.P.C. as the offences are compoundable. It is stated in the compromise petition that disputes between the parties have been settled and good relation has been restored between the parties which have been brought by way of supplementary affidavit filed before this Court.

Learned counsel for both the parties have appeared and submitted that since petitioner and opposite party No. 2 has entered into a compromise and have compounded the offence and the offence being compoundable they do not want to pursue this criminal proceeding any further and, as such, the order dated 28.10.2013 passed in complaint case No. 2975(C) of 2013 by which cognizance has been taken against the petitioner be quashed.



After hearing both the parties and perusing the materials available on record, the order dated 28.10.2013 passed by learned Judicial Magistrate 1st Class, Patna in complaint case No. 2975(C) of 2013 as far as the same relates to petitioner is quashed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

