

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30328 of 2012

Arising Out of PS.Case No. -964 Year- 2011 Thana -null District- PATNA

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Santosh Kumar Singh, son of Sri Rajeshwar Singh, resident of village + P.O. Kanchanpur, District-Rohtas (Sasaram).

.... Petitioner.

Versus

1. The State of Bihar.
2. Ajit Kumar Priyadarshi, son of Sri Shyam Kishore Singh, resident of B/46, Anand Bihar Colony, Off Bailey Road, Ambedkar Path, P.O. Veterinary College, P.S. Shastri Nagar, District-Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : M/s. Janardan Prasad Singh, Senior Advocate and
Arvind Kumar Singh, Advocate.

For the State : Mr. M.N. Jha, A.P.P.

For the Opposite Party No.2: Mr. Sanjay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 10-02-2017

Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel for the opposite party no.2.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed for quashing the order dated 24.10.2011 passed in Complaint Case No.964(c) of 2011 by the court of Smt. Rashmi Prasad, Judicial Magistrate, First Class, Patna, summoning the accused-petitioner, on inquiry, under Section 204 of the Code of Criminal Procedure, finding prima facie case under Section 138 of the Negotiable Instruments Act and Section 418 of the Indian Penal Code.



3. Learned counsel for the petitioner submits that the financial dispute, as detailed in the complaint petition, in between the petitioner and the opposite party no.2 has already been settled by them out of the court.

4. Learned counsel for the opposite party no.2 also accepted the submission made by the learned counsel for the petitioner.

5. Since there was financial dispute in between the petitioner and the opposite party no.2 and the same has already been settled by them, as such, the entire criminal proceedings and the impugned order dated 24.10.2011 passed by the court of Smt. Rashmi Prasad, Judicial Magistrate, First Class, Patna, in Complaint Case No.964(c) of 2011 is hereby quashed.

6. Accordingly, this application is allowed.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	13.02.2017

