

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19445 of 2014

Arising Out of PS.Case No. -759 Year- 2003 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Rajendra Nath Trivedi Son of Late Kamalsharan Trivedi Proprietor of M/S Rainbow Transport Corporation, Mohalla:- Pahari, Near:- Pawan Petrol Pump, Police Station- Agamkuan, District- Patna
 2. Sarvada Nand Sinha @ S.N. Sinha Son of Late Shyamal Nand Manger of M/S. Rainbow Transport Corporation, Mohalla:- Pahari, Near :- Pawan Petrol Pump, P.S.- Agamkuan, District- Patna
 3. Ramchandra Singh @ Ramchandra Prasad Son of Late Gajadhar Prasad Manager of M/S Rainbow Transport Corporation, Resident of Mohalla:- Maharajganj, Near Muncipal Chowk, P.S.- Town, Thana:- Madhubani, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Dr. Ajat Shatru Son of Late Baidnath Prasad Resident of " Sidhidatri Villa" Rampur Road, P.S.- Sultanganj, District- Patna

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Ms. Rita Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 19-06-2017

1. This application under Section 482 of the Cr. P.C. has been filed for quashing the order dated 04.11.2003 and 07.03.2006 passed in complaint case No. 759 (C) of 2003 whereunder the court below took cognizance under Sections 323, 406, 420, 452, 504, 120(B)/34 of the Indian Penal Code and issued non-bailable warrant of arrest against these petitioners. The case is pending before the court of Sri Sanjay Kumar-V, J.M. 1st Class, Patna City.



2. Heard Mr. Ashok Kumar, learned counsel for the petitioners and the learned APP for the State.

3. The facts in brief is that Opposite Party No. 2 (complainant) deals with the business of Food Syrup and used to send the articles to various places through the transport agency. The petitioners run a business of transport agency. The complainant sent Food Syrup worth Rs. 3,882/- for sending it to Madhubani through the agency of these petitioners. The said article was neither delivered nor any payment was given to the complainant which compelled the complainant to file the present case.

4. The Learned counsel for the petitioners, at the outset, submitted that the matter is of civil nature and they have compromised the case also. A compromise petition to this effect duly signed by both the parties and their respective lawyers has been filed before the court below which has been annexed as Annexure-2 of the petition. The petitioners as well as the complainant left the case unattended under impression that the case has been disposed of in terms of compromise. Subsequently, the petitioners learnt that the case is pending for appearance.

5. Learned APP for the State concedes to this submission



of learned counsel for the petitioners that the matter has been compromised but as the petitioners did not appear, the case has been fixed for appearance of the petitioners.

6. On perusal of order passed by court below as well as the materials on record, it appears that the court below passed the impugned order on the basis of material available on record. The case is compoundable in nature subject to the permission of the court. Since the parties do not want to proceed with their case in view of the compromise, the court is required to give them opportunity to support the compromise and also to pass order on the point of grant of permission to the parties to compromise the case.

7. In view of the nature of the case as also the facts and circumstances stated above, this application is disposed of with a direction to the petitioners to appear before the court below along with the complainant to press the compromise petition which shall be disposed of on merits in accordance with law.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2017
Transmission Date	19.06.2017

