

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48120 of 2013

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

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Niraj Raj @ Niraj Kumar, son of Shambhu Dhari Singh, resident of village-
Kasmichak, P.O.- Ainkhan, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Raj Kumar @ Munna, son of Vinod Kumar Singh, resident of Baghakol, P.O.-
Bikram, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Apurva Kumkar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For Opposite Party No. 2 : Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 21-08-2017

Heard Mr. Apurva Kumar, learned counsel for the
petitioner and learned counsel for the complainant/opposite party no. 2.

2. This application under Section 482 of the Code of
Criminal Procedure has been filed for setting aside the order dated
04.06.2012 passed in Complaint Case No. 409 (C) of 2012 by
Judicial Magistrate, 1st Class, Patna whereby the petitioner has been
summoned to face trial for the offences punishable under Sections
138 of the Negotiable Instruments Act and 406 and 420 of the Indian
Penal Code.

3. Learned counsel for the petitioner has submitted that the
dispute relates to dishonour of cheque of Rs.3,50,000/- issued in the
name of the complainant/opposite party no. 2 by the petitioner. He
has submitted that during the pendency of the application, the parties



have amicably settled their dispute outside the court. The petitioner has already paid Rs.3,50,000/- by way of two demand drafts to the opposite party no. 2.

4. Mr. Pramod Kumar, learned counsel for opposite party no. 2 concedes that the complainant opposite party no. 2 has already been paid the amount in question by way of demand drafts by the petitioner. He has also supported the contention of the petitioner that the parties have settled their dispute outside the Court and the complainant/opposite party no. 2 does not want to proceed with the trial of the case.

5. Regard being had to the submissions made by the learned counsel for the parties and the nature of the case, the impugned order dated 04.06.2012 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 409 (C) of 2012 is set aside. Consequently, the aforesaid complaint case pending in the court of Judicial Magistrate, 1st Class, Patna is also dismissed.

6. The application stands disposed of.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2017
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