

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11662 of 2012

Arising Out of PS. Case No.-6 Year-2011 Thana- BUDDHACOLONY District- Patna

B. RAMASWAMY S/O BELERANGAPPA R/O RAILWAY GOLLA
HALLY, NELAMANGALA TALUK, BANGALORE - 562123

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma

For the Opposite Party/s : Mr. /Smt. Renuka Ratnakar (Ap

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT

Date : 11-04-2018

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 18.01.2012, passed by learned Chief Judicial Magistrate, Patna in connection with Budha Colony P.S. Case No. 06 of 2011, whereby and whereunder cognizance has been taken against the petitioner for the offence under sections 406, 420, 467, 469, 120B and section 34 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that there is commercial dispute between the parties with regard to Lakshmi Cement and Ceramics Industries. It is alleged that petitioner even after resigning from the post of



Director represented himself as the Director and sold the cement plant of the company without permission of the stakeholders.

Learned counsel, however, submits that the matter has been compromised between the contesting parties and a Memorandum of Understanding/Settlement Agreement has also been executed, as stated in paragraph 6 of the supplementary affidavit filed on behalf of the petitioner. Learned counsel has brought on record the aforesaid Memorandum of Understanding/Settlement Agreement as Annexure-7 to the aforesaid supplementary affidavit. Learned counsel, therefore, submits that continuance of the present proceeding would be an abuse of the processes of the Court and prays that the entire proceedings as well as the order taking cognizance may be quashed.

From perusal of the materials available on record and the submissions as made above, it is evident that the matter has been compromised between the parties and there remains no dispute between them. The Hon'ble Supreme Court in the case of *Gian Singh Versus State of U.P., reported in (2012) 10 Supreme Court Cases 303* has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to



restore peace between the parties and in case the justice so demands. According to the Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to a heinous offence, the proceedings may be quashed.

In view of the discussions, as made above, this Court is of the considered opinion that continuance of the present prosecution would an abuse of the processes of the Court. Accordingly, the entire proceedings including the order taking cognizance dated 18.01.2012, passed by learned Chief Judicial Magistrate, Patna in connection with Budha Colony P.S. Case No. 06 of 2011 is, hereby, quashed.

The application, accordingly, stands allowed.

(Arvind Srivastava, J)

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