

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46329 of 2014

Arising Out of PS.Case No. -2369 Year- 2013 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

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1. Sunil Kumar Agrawal, Son of Sri Ram Sharwan Lal Agrawal, Resident of 204, Vikas Vihar, 176 Patliputra Colony, P.S. Patiliputra, Town and District-Patna.
2. Raj Kumar Patwari, Son of Late Durga Dutt Patwari Resident of 33, Kaveri Apartment, Bander Bagicha, New Dak Bunglow Road, P.S.-Kotwali, District-Patna.
3. Kapildeo Singh, Son of Sri Dipon Singh, Resident of Chak Dhanauti, P.S. Industrial Area, Town Hajipur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar Singh, Son of Sri Asarfi Sah, Resident of Village - Saidpur, Dumri, P.S.,-Patepur, District-Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Yogendra Kr. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 13-03-2018 The petitioners seek quashing of the order taking cognizance dated 23.01.2014, passed by the learned Judicial Magistrate-Ist Class, Vaishali at Hajipur in Complaint Case No. 2369 of 2013. By the aforesaid order,



cognizance has been taken against the petitioners under Sections 406/34 of the Indian Penal Code.

The sum and substance of the complaint case is that despite the opposite party No. 2/complainant having worked for the petitioners, his wages to the tune of Rs. 9,256/- was not paid to him.

Learned counsel for the petitioners has drawn the attention of this Court to the fact that the opposite party No. 2/complainant had made a complaint before the Labour Superintendent also and in the aforesaid case, there was a settlement between the parties. By virtue of that settlement, the wages which were due to the opposite party No. 2/complainant, viz. an amount of Rs. 9,256/-, has already been paid. A copy of the receipt also been brought on record on behalf of the petitioners.

Learned counsel appearing for the opposite party No. 2/complainant fairly states before this Court that after filing his *Vakalatnama*, he has not been instructed in the matter ever.

There is no reason for this Court to disbelieve the statement made on behalf of the petitioners as also the photocopy of the receipt regarding payment of the wages of opposite party No. 2/complainant.

Considering the aforesaid fact, this Court is of



the view that no useful purpose would be served in keeping this case alive/pending for consideration by Courts of law.

Since the main grievance of the opposite party No. 2/complainant has already been redressed, he, too, would not be interested in prosecuting the petitioners any further. Allowing this case to continue would only be an abuse of the process of the Court.

For the aforesaid reasons, the order taking cognizance and all the emanating proceedings therefrom are quashed.

The petition stands disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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