

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34599 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Dhirendra Prasad Singh, s/o late Bindeshwari Prasad Singh, r/o Sorampur, P.S. Bikram, District- Patna, presently residing at Flat No. 204, "D.D." Appartment, Ashiyana Road, P.S. Shastrinagar, Patna - 800 014,
 2. Smt. Indira Singh, w/o late Dhanendra Prasad Singh, r/o Village- Sorampur, P.S.- Bikram, District- Patna, presently residing under care of Sri Sidheshwari Prasad Singh, Sr. Advocate (Patna High Court), Road No. 2, Rajendra Nagar, P.S.- Kadamkuan, Patna - 800 016

.... Petitioner/s

Versus

1. The State of Bihar,
2. M/s Sharnam Engicons Pvt. Ltd., a registered company having its registered office at B/ 25, P C Colony, Kankarbagh, Patna, through its Managing Director, namely, Anup Sahai, s/o late Birendra Nath Sahani, r/o B/15, P.C. Colony, P.O. & P.S. Kankarbagh, Patna - 20

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kishore Sinha, Advocate
Mr. Srinandan Prasad Singh, Advocate

For the Opposite Party No.1: Mr. Jharkhandi Upadhyay, APP

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 20-02-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21st June, 2004, passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.218-C of 2004 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 418 and 403 Indian Penal Code.

Counsel for the petitioners and the Opposite Party No.2 as well as learned APP are present.

Counsel for the petitioners and the Opposite Party No.2



submit that all the grievance between the parties have, now, been settled and they have entered into memorandum of understanding which has been enclosed as Annexure-1 to Interlocutory Application No.573 of 2018 filed in the instant case.

Counsel for the Opposite Party No.2 submits that after entering into such compromise, now, he has no grievance with the petitioners.

In such circumstances, since case is of year 2003 and now good sense has prevailed between the parties during pendency of this application and they have entered into memorandum of understanding, this Court does not find any justifiable reason to allow such an old criminal proceeding to proceed against the petitioners in the Court below.

Therefore, in the interest of justice, in exercise of inherent power under Section 482 Cr. P.C., impugned order dated 21st June, 2004, passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.218-C of 2004 along with entire criminal proceeding against the petitioners is hereby quashed.

The application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26-02-2018
Transmission Date	26-02-2018

