

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12396 of 2015

Arising Out of PS.Case No. -247 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Damlapati Satish Son of D.N. Naidu, Resident of NCL Godawari Home,
B-Block, Flat No. 408 Petbashirbad, Jeedimets Port, Hyderabad - 800055

.... Petitioner/s

Versus

1. The State of Bihar.
2. M/S Maheshwari Promoters and developers Pvt. Ltd. having its Office at
K-58 Hanuman Nagar, P.C. Colony, Kankarbagh, P.S. Patrakarnagar,
District - Patan, through its Director Vlkash Maheshwari Son of Late
Surendra Kumar Chandak.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

For the Opposite Party/s : Md. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 05-01-2018 Heard learned Counsel for the petitioner as well as the
learned Counsel for the State.

The petitioner seeks quashing of the cognizance order
dated 31.1.2014 passed by the Judicial Magistrate, 1st Class, Patna in
Complaint Case No. 247 (C) of 2013, thereby taking cognizance of
the offence under Section 138 of the N.I.Act.

The brief fact giving rise to the case is that the petitioner
purchased a flat from the builder and asked the builder to do
additional work in the flat amounting to Rs. 4,79,000/- and he issued
eight cheques of Rs. 50,000/- and the ninth cheque of Rs. 79,000/-
and when one of the cheques of Rs. 50,000/- was submitted within
time by the complainant which got dishonoured due to insufficient



fund. After getting this information, within a month notice was sent to the drawer of the cheque but money was not paid, so this complaint was instituted.

Learned Counsel for the petitioner submits that the petitioner is ready to pay the amount and ready to enter into compromise, for which notice may be sent to the complainant.

As far the compromise is concerned the petitioner may compromise the matter outside of the Court without intervention of the Court and may file a compromise petition before the trial court.

As far as interference in the cognizance order is concerned, there is no ground for interfering with the cognizance order, so the application stands dismissed.

(Arun Kumar, J.)

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