

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20005 of 2014

Arising Out of PS.Case No. -233 Year- 2008 Thana -JAHANABAD District- JEHANABAD

- =====
1. Prashant Gupta Son of Sri Ram Lal Gupta Residnet of Jyoti International 4th Floor, Rajmal building No. 13 Camac Street, P.S- Camac Street, KolKata - 700017.
 2. Nishant Gupta Son of Sri Ram Lal Gupta . Residnet of Jyoti International 4th Floor, Rajmal building No. 13 Camac Street, P.S- Camac Street, KolKata - 700017

.... Petitioner/s

Versus

1. State of Bihar
2. Santosh Kumar Son of Sri Rajedo Sharma R/o- Khaskhori, P.S. Makhdumpur, Distt- Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Agrawal
Ms. Parijat
For the Opposite Party/s : Mr. Gopal Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date: 08-01-2018

The petitioner seeks quashing of the order dated 18.04.2011 passed by the learned Chief Judicial Magistrate, Jehanabad in connection with G.R. Case No. 1333 of 2008, T.R. No. 3047 of 2013, arising out of Jehanabad P.S. Case No. 233 of 2008, instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

The case of the complainant/opposite party No. 2 is that there was a commercial relationship between the petitioners and opposite party No. 2 and for the purchase of the chassis of a truck



and a Sumo Victa vehicle, Rs. 1,00,000 was paid by the complainant/opposite party No. 2 to the petitioners. Thereafter, further amount of money was paid. However, only the Sumo Victa vehicle was delivered to the complainant/opposite party No. 2 and Rs. 7,05,000/-(seven lacs and five thousand) remained due as against the petitioners. For the aforesaid, two cheques were drawn by the petitioners which got bounced. Hence, the case.

Learned counsels appearing for the parties have unanimously stated that a settlement has been arrived at between the parties and now the dispute has been settled. The complainant/opposite party no. 2 has been paid all the amount to which he is entitled and the last installment of Rs. 85,000/- has been paid today by way of demand draft No. 286505 issued by Indian Bank drawn in favour of Santosh Kumar. The aforesaid bank draft has been accepted by the learned counsel for the petitioner, Mr. Gopal Jha to his satisfaction.

Considering the aforesaid facts viz. the settlement of all the disputes and the complainant/opposite party No. 2 having received the entire amount to which he was entitled, there does not appear to be any reason to continue with the criminal prosecution of the petitioners.

For the aforestated facts, the order taking



cognizance dated 18.04.2011 passed by learned Chief Judicial Magistrate, Jehanabad in connection with G.R. Case No. 1333 of 2008, T.R. No. 3047 of 2013, arising out of Jehanabad P.S. Case No. 233 of 2008 is set aside.

The application stands allowed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	/01/2018
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