

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35943 of 2014

Arising Out of PS.Case No. -1747 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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Bharat J Patel, son of J. Patel, Managing Director Techno Elevators Limited (Techno Industries Limited) a Company Incorporated under the Indian Companies Act, having its registered office at Plot No. 5002, Nr. Indo German Tool Room, Phase IV, G.I.D.C., Vatva, Ahmedabad, Gujrat.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anand Kanodia, S/o Indra Kumar Kanodia, Director- Kanodia Developers (P) Ltd. Resident of 504, Pushpanjali Plaza Boring Road, Patna - 1.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 18-06-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 17.09.2008 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.1747-C of 2008 by which the learned Magistrate after holding enquiry has found *prima facie case* against the petitioners for the offence under Section(s) 406, 420, 120-B Indian Penal Code.

Heard learned counsel for the petitioner and the learned APP for the State as well as counsel for the Opposite Party No.2-Complainant.



During pendency of this application in this Court, by order dated 17.11.2017, matter was referred to Mediation Centre. Report of the Mediator has been received and kept at flag-‘G’, wherein, it has been mentioned that both parties have settled the dispute amicably. In terms of settlement, agreement has been arrived at between the parties, which is attached with the report of the Mediator.

Counsel(s) for both sides have submitted that dispute has been settled between them and they have, now, no grievance.

In such circumstances, this Court is of the view that continuance of the further proceeding in the Court below against the petitioner will be mere harassment and abuse of process of law.

Accordingly, impugned order dated 17.09.2008 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.1747-C of 2008 along with entire criminal proceeding against the petitioner is hereby quashed.

This application is, accordingly, allowed.

(Sanjay Priya, J)

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