

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54108 of 2016

Arising Out of Complaint Case No. -1129 Year- 2016 Thana -PATNA COMPLAINT CASE
District- PATNA

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Anasuya Ghosh W/o Mr. Dipankar Ghosh, aged about 41 years earlier working as Head Central Operation Reliance Nippon Life Insurance Company Ltd. H Block, 1st Floor, Dhirubhai Ambani Knowledge City, P.S.- Mahape Navi Mumbai, Maharashtra- 400 710 presently working as Dy. C.O.O. Edelweiss Tokia Life Insurance Co Ltd. Kohinoor City Mall, Kiroi, P.S.- Kurla (W), Mumbai 400 700.

.... Petitioner

Versus

1. The State of Bihar.
2. Rajkishore Prasad Sharma S/o late Kameshwar Singh Resident of : House No. 189, Shivpuri, Rama Lane, P.O. & P.S.- Shastrinagar, Town & District- Patna.

.... Opposite Parties

With

Criminal Miscellaneous No. 1256 of 2017

Arising Out of PS.Case No. -1129 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Anup Rau S/o Late Velamuri Ramakrishna Rau Earlier working as Chief Working Officer and Executive Director, Reliance Nippon Life Insurance Company Ltd. H Block, 1st Floor, Dhirubhai Ambani Knowledge City, P.S. - Mahape Navi Mumbai, Maharashtra - 400710.

.... Petitioner

Versus

1. State of Bihar.
2. Rajkishore Prasad Sharma S/o Late Kameshwar Singh Resident of : House No. 189, Shivpuri, Rama Lane, P.O. & P.S. Shastrinagar, Town & District - Patna.

.... Opposite Parties

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Appearance :

In Both Cr. Misc. No.54108 of 2016 and Cr.Misc. No.1256 of 2017

For the Petitioner/s : Ms. Pallavi Trivedi, Advocate

For the Opposite Party No.2 : Mr. Rajesh Ranjan, Advocate



For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-02-2018

Petitioner Anasuya Ghosh in Cr. Misc. No. 54108 of 2016 and petitioner Anup Rau in Cr. Misc. No.1256 of 2017 have been made accused in Complaint Case No.1129 of 2016 pending in the court of Chief Judicial Magistrate-1st, Class. By order dated 06.08.2016 the learned Judicial Magistrate-1st Class, Patna has summoned them to face trial for the offence punishable under Section 420 of the Indian Penal Code. Both of them have challenged the aforesaid order dated 06.08.2016 passed by the learned Judicial Magistrate-1st Class, Patna in Complaint Case No.1129 of 2016 by filing separate petitions.

2. Since these two cases arise out of a common impugned order, they have been heard together and are being disposed of by a common order.

3. Heard Mrs. Pallavi Tripathi, learned advocate appears for the petitioners, Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State and Mr. Rajesh Ranjan, learned advocate appears for the complainant-opposite party no.2.

4. Mrs. Pallavi Tripathi, learned advocate



appearing for the petitioners submitted that on 16.11.2016, an outside court settlement a compromise has been reached between the complainant Rajkishore Prasad Sharma and Reliance Life Insurance Corporation Ltd. at their own free will. In view of the settlement between the parties, they have filed a joint compromise petition under Section 320 of the Code of Criminal Procedure to compound the offence under Section 420 of the Indian Penal Code on 28.11.2016 before the learned Judicial Magistrate-1st Class, Patna. However, the same is pending till date.

5. Mr. Rajesh Ranjan, learned advocate appearing for the opposite party no.2 admitted that compromise has been reached between the parties outside the court and a compromise petition has also been filed before the court of Judicial Magistrate-1st Class. He submitted that the grievances of the complainant have fully been redressed to his satisfaction and the complainant has not more interested in prosecuting the petitioners.

6. Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor appearing for the State submitted that the State is a formal party in this case as the prosecution has been launched on the basis of a complaint filed before the court.

7. I have heard learned counsel for the parties.

8. Keeping in mind the nature of the offence



alleged and the amicable settlement arrived at between the parties, in the opinion of this Court no useful purpose would be served by allowing the prosecution to continue any more.

9. Accordingly, the impugned order dated 06.08.2016 passed by the learned Judicial Magistrate 1st Class, Patna in Compliant Case No.1129 of 2016 and the entire proceedings of the aforesaid complaint case are hereby set aside.

10. These applications stand allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2018
Transmission Date	07.03.2018

