

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11931 of 2015

Arising Out of PS.Case No. -232 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Damlapati Satish Son of D.N. Naidu, Resident of NCL Godawari Homes, B-Block, Flat No. 408, Petbashirbad, Jeedimets Port, Hyderabad-500055.

.... 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, Distt. - Patna, Through its Director Vikash Maheshwari Son of Late Surendra Kumar Chandak.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

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

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 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 19.12.2013 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 232 (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 nine cheques; one cheque of Rs. 79,000/- and each rest cheques of RS. 50,000/- and a cheque of Rs. 50,000/- was deposited in the Bank



on 14.11.2012 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.)

Snkumar/-

U		T	
---	--	---	--

