

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4280 of 2016

Arising Out of PS.Case No. -729 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Chandra Kishore Shahi, S/o Shri Ram Sakal Shahi, R/o Village- Harka Manshahi,
P.S.- Meenapur, District- Muzaffarpur. Presently residing at Village- Nazirpur
Akhara Ghat, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Rai, S/o Shri Bhekhdhari Rai, R/o Village- Chhitarpatti, P.S.- Meenapur,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate.
For the State : Mr. L.K. Sharma, A.P.P.
For the opposite party No.2 : Mr. Hans Lal Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 19.11.2015 passed by learned Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 729 of 2015 (Trial No. 1549 of 2015) by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offence under Section 406 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the State as well as opposite party No. 2.



3. Counsel for the petitioner submits that dispute arose between the parties over sharing of profits of contractual work. The matter was sent to Mediation Centre vide order dated 21.09.2018, where parties have resolved their dispute and Memorandum for compromise and settlement of dispute has been prepared. He further submits that charge has not been framed in the instant case. The matter is pending at the stage of evidence before charge.

4. Counsel for the opposite party No. 2 is present and submits that matter has been resolved. Counsel for the opposite party No. 2 further submits that petitioner has already paid Rs.18,00,000/- to the opposite party No. 2 through cheque. The report of Mediator along with Memorandum for compromise and settlement of dispute between the parties is kept at Flag-“X”.

5. In such circumstances, since the matter has been amicably settled between the parties in the Mediation Centre, the continuation of criminal proceeding will be mere harassment and abuse of process of Court.

6. Therefore, the impugned order dated 19.11.2015 passed by learned Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 729 of 2015 (Trial No. 1549 of 2015) along with the entire criminal proceeding, is hereby quashed.



7. This Criminal Miscellaneous application is accordingly allowed.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	25/09/2018
Transmission Date	25/09/2018

