

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33673 of 2016

Arising Out of PS.Case No. -29002 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Aditya Reddy, Son of Sri A. Vasudeva Reddy, Director, Gatefourm Educational Services Private Ltd., 4th Floor, Ashoka Raghupathi, Chambers, Opp. Shoppers Stop, S.P. Road, Begumpet, Hyderabad-500016.

.... Petitioner

Versus

1. The State of Bihar.
2. Abhishek Kumar Sinha, S/o Shri Prabhat Kumar Sinha, Director, Tagore Educons, having its registered office at 1, BSIDC Colony, Boring Road, Patna.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Opposite Party no.2 : Smt. Smriti Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-07-2018

Heard learned counsel for the petitioner and learned counsel for complainant.

2. This application under Section 482 of Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 06.04.2015 passed in Complaint Case No. 29002 (C) of 2014 by the learned Judicial Magistrate, 1st Class, Patna by which holding a prima facie case to be made out under Section 406 of the Indian Penal Code the petitioner has been summoned to face trial.

3. It has been alleged in the complaint instituted by the opposite party no. 2 that the petitioner is one of the Directors of Gateforum Educational Services Private Ltd. (for short 'Company')



incorporated under the Indian Companies Act, 1956 which is in business of coaching institution meant for Graduate Aptitude Test in Engineering (GATE) . The Company's head office is in Hyderabad. It has franchisee partner all over India including Bihar, which is in the name of the complainant under the franchisee contract agreement dated 19.02.2012. In course of the transaction of business of the franchisee, some monetary dispute arose between the parties and the complainant alleged that the petitioner has in conspiracy with the Company and its other directors breached the trust of the complainant.

4. On examination of the complainant on solemn affirmation and the other documents filed by him, the learned Magistrate-1st class vide impugned order dated 06.04.2015 summoned the petitioner to face the trial for the offence punishable under Section 406 of the Indian Penal Code.

5. The afore-stated order dated 06.04.2015 has been challenged by the petitioner before this court. After hearing leaned counsel for the petitioner, notices were issued to the opposite party no. 2 vide order dated 28.08.2017 and, in the meantime, further proceedings in complaint case No.29002(C) of 2014 was ordered to be stayed.

6. It is submitted by the Mr. Ashish Giri, learned



counsel for the petitioner that while matter was still pending, the parties have amicably settled their dispute outside the court and have also entered into compromise deed dated 08.04.2017 by which they have agreed to withdraw unconditionally all the existing legal claims and disputes pending between them including the present case in which the petitioner is seeking quashing.

7. The factum of compromise has also been supported by the learned counsel appearing for the complainant. Smt. Smriti Singh, learned counsel for the complainant submitted that in view of the subsequent developments the complainant does not want to proceed with the complaint case any more.

8. Regard being had to the amicable settlement between the parties and looking at the nature of the dispute, I see no reason not to allow the instant application. Accordingly, the impugned order dated 06.04.2015 passed by the learned Judicial Magistrate-1st class, Patna and the entire proceedings of the Complaint Case No. 29002 (C) of 2014 are hereby quashed.

9. The application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2018
Transmission Date	16.07.2018

