

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27010 of 2012

Arising Out of PS.Case No. -865 Year- 2000 Thana -null District- PATNA

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1. Shri Vinod Baid, s/o late J.M. Baid, Former Director of Prudential Capital Markets Limited, resident of 5 Love Lock Place, Kolkata700019

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Krishna Prasad, son of Sri Ram Narayan Lal, resident of C/O Floor Mills, Opposite Gulzarbagh Field, P.S. Gulzarbagh, Distt. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardawaj, Advocate

For the Opposite Party No.1: Dr. Rabindra Kumar, APP

For the Opposite Party No.2: Mr. Subodh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-05-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing entire proceedings of Complaint Case No.865-C of 2000 instituted under Sections 406 and 420 Indian Penal Code.

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

It has been submitted on behalf of the petitioner that dispute has been amicably settled between the parties. Learned counsel for the petitioner has drawn attention of this Court towards Annexure-3, which is application preferred on behalf of the Opposite Party No.2, seeking withdrawal of the case against the petitioner.



Counsel for the petitioner has further submitted that in the instant case the Company as well as Opposite Party No.2 after negotiation finally entered into compromise and Opposite Party No.2 filed a petition for withdrawal along with compromise petition in the Court below on 04.02.2006. It was specifically mentioned in the compromise petition that parties have amicably entered into mutual compromise. The Opposite Party No.2 has received the money as full and final settlement. The Opposite Party No.2 has prayed in the Court below in the light of aforesaid compromise that he is not willing to proceed with the complaint and the same may be withdrawn and the accused persons may be discharged. Aforesaid Compromise Petition is enclosed as Anenxure-3.

Counsel for the Opposite Party No.2-Complainant is present. He has supported the fact that compromise has taken place between the parties.

In such circumstances this Court is of the view that continuance of the criminal proceeding against the petitioner will be only harassment and abuse of process of law.

Therefore, order of cognizance dated 17.02.2001 (Annexure-2) passed by the Judicial Magistrate, Patna, in Complaint Case No.865-C of 2000 along with entire criminal proceeding against the petitioner is hereby quashed.



This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-05-2018
Transmission Date	23-05-2018

