

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10799 of 2017

Arising Out of PS.Case No. -1523 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Wasimul Haque, S/o Late Dr. Md. Hafizul Haque, R/o Motichowk,
Gandhi School Road, Khagaul, P.S.- Khagaul, Distt- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Mrs. Reshma Kamal, W/o Sri Arshad Ali, R/o Mohalla- Shakoor Colony,
Opposite Sakoor Masjid, Indrapuri Colony, Raja Bazar, P.S.- Shastri Nagar,
Distt- Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party : Mr. Rashid Rais, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9. 27-07-2018

Pursuant to the order dated 25.07.2018 passed by

this court requesting learned counsel for both the parties to come with fresh instructions in view of the developments which have taken place during pendency of the application, at the outset Md. Rashid Rais, learned counsel representing the complainant-opposite party no. 2 has come with a fair kind of submission which was expected from him. Learned counsel has submitted that since the complainant-opposite party no. 2 has now received the entire amount which were payable to her under the cheque in question, now she has no grievance and is not willing to pursue the complaint petition against the present petitioner.



This being the submission, this court finds that the present case had arisen out of the order dated 16.07.2016 by which the learned Judicial Magistrate, 1st Class, Patna had taken cognizance of the offences under Section 138 of the Negotiable Instruments Act and Section 420 of the I.P.C. in Complaint Case No. 1523(C) of 2016. Now that the amount under the cheque has already been paid in the nature of dispute, this court find it fit to quash the entire proceeding against the petitioner in the interest of justice and to save him from any harassment despite having paid the entire amount.

The order taking cognizance and the entire criminal proceedings is hereby quashed and their petition is allowed.

(Rajeev Ranjan Prasad, J)

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