

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13276 of 2016

Arising Out of PS. Case No.-88 Year-2010 Thana- SIKARPUR District- West Champaran

1. Ravindra Kumar, Son of Devendra Kumar Singh.
2. Gyandendra Kumar, Son of Devendra Kumar Singh, Both resident of Mohalla- Bajitpur, Police Station- Digha, District- Patna and office at Sumbha Complex Boring Canal Road, P.S- Sri Krishna Puri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mohmmad Ajhar, Son of Late Hasmuddin Mian, resident of Village- Dhumnagar, Police Station- Shikarpur, District- West Champaran at present Proprietor Gudia Auto Mobiles, Haldia Chowk, Loria Road Narkatiaganj, Police Station- Shikarpur, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivek Kumar Singh, Advocate
For the State	:	Mr. J. Upadhyay APP
For the O.P. No.2	:	Mr. Abhishek Kumar Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 17-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 22.6.2015 passed by the CJM Bettiah, West Champaran in Shikarpur P.S. case no. 88 of 2010 by which learned Magistrate has taken cognizance for the offence under Section 406, 420 and 468 of the IPC against petitioners.

Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 as well as learned counsel for the State.

It has been submitted that matter was sent to Mediation Centre where both parties have reached an amicable settlement and memorandum of agreement has also been entered into between the parties. The report of the Mediator along with



memorandum of agreement is annexed at Flag-X to the petition.

Learned counsel for the opposite party no.2 has submitted that he has received an amount of Rs.1,15,000/- in terms of memorandum of agreement from the petitioners. He has further submitted that now, he has no grievance with these petitioners.

As per allegation in the FIR there was money dispute between the parties. Now the matter has been settled between the parties. Money has been paid to opposite party no.2 by the petitioners as per memorandum of agreement. Therefore, further continuance of the criminal proceeding against these petitioner will be abuse of the process of court.

Accordingly, the impugned order dated 22.6.2015 passed by the CJM Bettiah, West Champaran in Shikarpur P.S. case no. 88 of 2010, along with entire criminal proceeding with respect to the petitioners is hereby quashed.

This Cr. Misc. petition is, accordingly, allowed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2018
Transmission Date	25.09.2018

