

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31929 of 2018

Arising Out of PS.Case No. -26650 Year- 2014 Thana -PATNA COMPLAINT CASE District -
PATNA

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Ashutosh Kumar Vinayak, Son of Late Manohar Prasad, Resident of Village - Govindpur, P.S. - Govindpur, District - Nawadah and present resident of Road No. 3, Rajendra Nagar, P.S. Kadamkuan, Town and District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shri Krishna Murari Gupta, Son of Late Hari Gupta, resident of W. Patel Nagar, Dr. B. Bhattacharya Road, Nandini Path, P.S. - Shastri Nagar, Town and District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Adv.

For the Opposite Party/s : Mr. Smt. Gulnar Begam, APP 162.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner is seeking quashing of the order dated 06.08.2014 passed by the learned Judicial Magistrate 1st Class, Patna. By the impugned order, learned Magistrate has taken cognizance under Sections 406, 420, 467, 468, 471 and 504 of the Indian Penal Code in Complaint Case No. 26650 (C) of 2014.

Learned counsel representing the petitioner submits that this petitioner was working only as an intermediary in the matter of sale and purchase of the land by the petitioner from the landowner. Attention of this Court has been drawn towards



Annexure 9 which is a report of the Patna High Court Mediation Center dated 08.02.2018 to show that the Opposite Party No. 2 in the present case had entered into a kind of settlement with Ram Shobhit Das (accused no. 2). Learned counsel, however, is not in a position to show whether the settlement which is reached in the Mediation Center has taken effect or not.

In the given facts and circumstances of the case, finding that there are materials indicating a prima facie case against the petitioner and based on those materials if the learned Magistrate has taken cognizance of the offences alleged and decided to issue summons to the petitioner no infirmity or illegality can be found.

This application is, therefore, dismissed at this stage.

In case, the petitioner finds that a settlement has taken place in respect of the transaction in question which is involved in the present case between the Opposite Party No. 2 and accused no. 2, he may raise such issues which may be available to him at the stage of framing of charge which will be considered by the learned Court below.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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