

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6184 of 2015

Arising Out of Case No.-1345(C) Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. M/s. U.S. Food Limited, Plot No. 8-9, National Highway, Delhi Road, Gajraula, District- J.P. Nagar (Amroha), Uttar Pradesh-344233 through its Managing Director, Md. Umar Ashrafi son of Late Md. Sher Ali resident of 333, U.S. Mahal, Village - Shakargarhi, P.O. - Jai Toli, Hasanpur, Gajraula, Uttar Pradesh - 244241.
 2. Md. Umar Ashrafi son of Late Md. Sher Ali resident of 333, U.S. Mahal, Village - Shakargarhi, P.O. - Jai Toli, Hasanpur, Gajraula, Uttar Pradesh - 244241.
 3. Maroof Ahmad Ashrafi son of Md. Umar Ashrafi resident of 333, U.S. Mahal, Village - Shakargarhi, P.O. - Jai Toli, Hasanpur, Gajraula, Uttar Pradesh - 244241.
 4. Hasin Bano wife of Md. Umar Ashrafi resident of Saka Gade, Post - Jaytoli, Tahsil - Hasanpur, Uttar Pradesh - 244241.
 5. Hussain Ahamd son of Bunda Khan resident of Plot No. 8-9, National Highway Delhi Road, Gajraula, District - J.P. Nagar Amroha, Uttar Pradesh - 244233.
 6. Anis Ahmad son of Late Ajij Ahmad resident of Plot No. 8-9, National Highway Delhi Road, Gajraula, District - J.P. Nagar Amroha, Uttar Pradesh - 244233.
 7. Maroof Ahmed Ashrafi son of Rafik Ahmad resident of Plot No. 8-9, National Highway Delhi Road, Gajraula, District - J.P. Nagar Amroha, Uttar Pradesh - 244233.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. M/s A.N. Traders through its Proprietor Md. Ashraf son of Late Md. Rafia resident of Tiraha Ki Masjid, Near Pathar Ki Masjid, Dargah Road, P.S. - Sultanganj, P.O. - Mahendru, Town and District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 2	:	Alok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-06-2019



Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That the application is being filed for the quashing/ setting aside the order dated 29.05.2014 passed by Sri Sanjay Kumar-IV, Judicial Magistrate, 1st Class, Patna in CA No. 1345 (C) of 2013 whereby the learned Judicial Magistrate has been pleased to issue process of summons against the petitioners under Section 406 of the Indian Penal Code and 138 of the N.I. Act.”

3. The dispute relates to allegation with regard to cheques issued by the petitioners not being honoured.

4. On the previous occasion, the Court had given time to learned counsel to get back with specific instructions as to whether the parties have mutually settled the matter after the opposite party no. 2 having accepted certain amounts.

5. Today, learned counsel for the petitioners and learned counsel for the opposite party no. 2 take a common stand that the opposite party no. 2 has received the money and being satisfied, he would not oppose the present application.

6. Having regard to the aforesaid, the Court finds that for securing the ends of justice and to prevent the abuse of the



process of the Court, the present criminal case is not required to continue.

7. Accordingly, the application is allowed. The entire criminal proceeding arising out of CA No. 1345 (C) of 2013 pending before the Court below at Patna City in the district of Patna, including the order dated 29.05.2014 by which cognizance has been taken and summons issued, stands quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	

