

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28837 of 2014

Arising Out of Complaint Case No.-863 C Year-2008 Thana- SAHARSA COMPLAINT
CASE District- Saharsa

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1. The Chief Executive Officer
2. The Service Manager
Both are Sukam Company, 190C (Basement) Industry, Vihar Phase VI,
Sector-37 Phase City 11, Gurgaon-122001, Hariyana.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Krishna Chandra Jha, Son of Sri Surj Narayan Jha, Resident of Nagar
Palika Chowk, Ganga Jala, Police Station and District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Jha, Advocate
For the State : Mr. Yogendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-02-2019

Heard learned counsel for the petitioners; learned A.P.P.
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 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application for
quashing of order dated 27.02.2009 passed in
Complaint Case No. 863C of 2008 by Sri D.
Kumar the learned Judicial Magistrate Ist Class,
Saharsa whereby and whereunder cognizance has
been taken under section 420 and 467 of the
Indian Penal Code.”*



3. At the very outset, learned counsel for the petitioners submitted that without going into the merits or accepting any wrong doing on their part, only as a goodwill gesture, they have offered either to replace the machine of the opposite party no. 2 or return him the money. It was submitted that the cost of the machine was Rs. 29,000/- and the petitioners had offered to pay Rs. 30,000/- to the opposite party no. 2.

4. At this juncture, on a query to learned counsel for the opposite party no. 2, with regard to the offer, he submitted that he is ready to take Rs. 30,000/- as full and final settlement.

5. In view of the matter having been settled on mutually agreed terms between the parties, the Court directs that the amount of Rs. 30,000/- be paid to the opposite party no. 2 within one month from today. At the same time, the opposite party no. 2 shall return whatever equipments have been installed in the premises of the petitioners in lieu of him having received the money for the same.

6. Upon the same being done, the entire criminal proceeding arising out of Complaint Case No. 863C of 2008, including the order dated 27.02.2009, by which cognizance has been taken shall stand quashed. The petitioners and opposite party no. 2 shall comply with the order. The opposite party no. 2 shall



give the receipt of acceptance of Rs. 30,000/- from or on behalf of the petitioners and shall also return the equipments/machines, which were installed in his premises. The petitioners shall then file an affidavit before the Court below with regard to the exercise having been completed lasted by 15th March, 2019.

7. Liberty is given to either of the parties in case of there being either any non co-operation or non compliance of the direction in this order.

8. Till 15th March, 2019, further proceeding in the complaint case shall remain stayed.

9. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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