

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28647 of 2014

Arising Out of PS. Case No.-2841 Year-2008 Thana- PATNA COMPLAINT CASE District-
Patna

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Yamuna Prasad S/o Late Naurangi Mahto R/o Village – Narain Pur, P.S. -
Ekanger Sarai, District – Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babu Lal S/o Late Basu Singh R/o Rajendra Nagar, Road No. 10, P.S. -
Kadamkuan, Distt.- Patna, A/p Village Tope, P.S. - Shahjahanpur, Distt.-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rewti Kant Raman, Advocate
For the State	:	Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-01-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State. Nobody appears on behalf of opposite party
no. 2.

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

*“That this application is for quashing
the order dated 24.4.14 passed by Addl. Sessions
Judge XI, Patna in B.P. no. 16620/14 by which he
has rejected the modification petition dated 5.3.14
which has been filed for modification of the order
dated 27.1.14 passed by him by which he has
granted regular bail to the petitioner directing him
to pay Rs. 1,66,000/- to the opposite party no. 2
who had filed the complaint case No. 2841/08 U/s
138 N.I Act & 406 of the I.P.C. asserting therein
that the cheque issued by the petitioner amounting*



to Rs. 75,000/- has been dishonoured and despite of notice he had not paid Rs. 75,000/-.”

3. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application to move before the appropriate forum, in accordance with law, for quashing of the complaint case itself on the ground that now after having paid more than the amount for which the cheque was issued, no extra liability is required to be fastened on him and the proceedings have to now finally conclude.

4. Learned A.P.P. does not oppose.

5. In view thereof, as prayed for by learned counsel for the petitioner, the application stands disposed off as withdrawn with liberty aforesaid. It goes without saying that if the petitioner approaches the appropriate forum, in accordance with law, with regard to quashing of the entire criminal proceeding, the same shall be considered on its own merit, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

P. Kumar

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