

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61345 of 2018

Arising Out of PS. Case No.-492 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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M/s L and T Finance Limited Through Its Authorised Representative Md. Khaful Wara S/o Mr. Muslim Khan, Branch Office at Dak Bungalow Chowraha, 3004, 3rd Floor, Grand Plaza, Fraser Road, P.S.- Kotwali, Patna, Bihar 800001.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Uma Nath Prasad, aged about 40 years, S/o Late Basant Prasad, R/o Mohalla- Ram Jivan Lane, P.S. Kankarbagh, District- Patna, 800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-07-2019 Heard Mr. Dayanand Singh, learned advocate

for the petitioner and Mr. Amresh Kumar Sinha for the

opposite party no. 2.

The petitioner seeks quashing of the order dated 22.07.2017 passed by the learned Additional Chief Judicial Magistrate XIV, Patna in connection with Complaint Case No. 492(C)/2016 whereby cognizance has been taken under Sections 379 and 420 of the Indian Penal Code.

It has been submitted on behalf of the



petitioner that there was a hire-purchase agreement between the parties and the dispute relates to such agreement.

During the pendency of the present petition, the parties have settled their differences and a compromise has been arrived at. A copy of the petition seeking permission to compound the case has been annexed with this petition. Apart from the aforesaid settlement, even on merits, the offences under which cognizance has been taken is not made out from the facts of the case.

In view of the pronouncement of the Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr., (2017) 9 SCC 641***, the petitioner jointly with the opposite party no. 2 invokes the inherent jurisdiction of this Court to quash the order of cognizance and all further prosecution arising therefrom. Similar view as in the above mentioned case in cases of compounding and



that also when offences do not partake of the character of a public offence have been taken in ***Gian Singh v. State of Punjab (2012) 10 SCC 303*** and ***Narinder Singh vs. State of Punjab 2014 (6) SCC 466***.

The present case is not a case of offence against human body and the Supreme Court in *Narinder Singh* (supra) has held that cases where settlement is arrived, then even if the matter is still under investigation, the High Court can adopt the liberal approach in accepting the settlement to quash the criminal proceeding.

Considering the aforesaid decisions of the Supreme Court and taking into account that the offences claimed are purely personal in nature with no impact on the even tempo of social life, this Court is of the view that allowing the prosecution to be continued any further would not only be an abuse of the process of the court but would be a burden on the court to deal with such matters.



For the aforesaid reasons, the order of cognizance dated 22.07.2017 and all further criminal prosecution arising therefrom are quashed.

The application stands allowed accordingly.

(Ashutosh Kumar, J)

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