

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20936 of 2016

Arising Out of PS. Case No.-63 Year-2015 Thana- DELHA District- Gaya

Surender Yadav, Son of Karu Yadav, Resident of Mohalla – Khar Khura,
Bhaluahi, P.S. - Delha, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Singh, Son of Late Birendra Singh, Resident of Village –
Son Nagar, P.S. - Varun (Varun) District:- Aurangabad. Present Address:- Q.
No. 479-B Marsling Yard Delha, P.S. -Delha, District – Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the O.P. No. 2	:	Mr. Rabindra Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 26-03-2021 Heard Mr. Sanjay Kumar Sinha, learned Advocate for the petitioner and Mr. Rabindra Priyadarshi for the O.P. No. 2. The State is represented by Mr. Md. Aslam Ansari, learned APP.

This application was initially filed for quashing of the FIR of Delha P.S. Case No. 63 of 2015 dated 02.04.2015 which was instituted for the offences under Sections 406, 420, 341, 323, 504 and 506 of the Indian Penal Code. But, during the pendency of this application, charge sheet was submitted against the petitioner and on the basis of aforesaid police report, the court below *vide* order dated 04.03.2016 took cognizance against the petitioner and issued processes.



This Court had issued notice to opposite party no. 2 on 23.05.2017 and had stayed the proceedings before the court below.

Mr. Rabindra Kumar Priyadarshi, learned Advocate for O.P. No. 2 had indicated to this Court on the last occasion on 05.02.2021 that when the petitioner was granted provisional anticipatory bail, he had given an undertaking that he shall return Rs. 4 lakhs to the O.P. No. 2 with 6% interest to be calculated from the date of receipt of money by him till the date of return and that also within a period of four months.

This was made the condition precedent for the confirmation of the provisional anticipatory bail which was granted to the petitioner.

Since no money was paid by the petitioner to O.P. No. 2, an application was filed by O.P. No. 2 for vacating the stay.

This Court had noted on 05.02.2021 that the counsel for O.P. No. 2 though submitted that he will be satisfied with Rs. 4 lakhs along with 6% interest on the said amount but after deliberations and on taking into account that unnecessary pendency of litigation would be beneficial to none, agreed for accepting the amount of Rs. 4 lakhs for the purposes of settling/resolving the dispute and taking a decision of not prosecuting the



petitioner any further in case such an amount is paid by the next date.

Though the learned counsel for the petitioner had expressed his reservations for depositing even Rs. 4 lakhs, as he wanted a reduction of Rs. 52,000/-, which is the quantum of loss quantified by him for the O.P. No. 2 not having paid the balance amount for the transfer of the property but he also later agreed for bringing a draft of Rs. 4 lakhs on the next date so that the issue could be resolved amicably.

Today, Mr. Sanjay Kumar Sinha, learned Advocate for the petitioner has produced before this Court a bank Draft of Rs. 4 lakhs payable in the name of the O.P. No. 2 towards settlement of all the dispute with him. The draft has been handed over to Mr. Rabindra Kumar Priyadarshi, learned Advocate for O.P. No. 2 in Court which he has accepted.

The details of bank draft is as follows:

Name of the Bank: Central Bank of India
Branch: Station Road, Gaya Branch, Bihar-823002
bank Draft No. 105160 0000 16000 16
On demand pay: Pankaj Kumar Singh
Name of the purchaser: Surender Yadav
Date: 09.03.2021
IFS Code: CBIN2137
Drawee Branch: 3162, Aurangabad, Bihar
Alpha Code No.: STGAYA



PF: 130961

Considering the settlement of dispute and payment of money by the petitioner to O.P. No. 2, this Court is of the view that allowing this proceeding to be continued would only be an abuse of the process of the court and would otherwise not fetch any benefit to either of the parties.

Considering the aforementioned aspect of the matter, this Court is inclined to quash the order taking cognizance and all further sequel proceedings in the court below arising out of the subject FIR.

The order of cognizance dated 04.03.2016 and all criminal prosecution arising therefrom is set aside.

The petition stands allowed.

(Ashutosh Kumar, J)

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