

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13349 of 2017

Arising Out of PS. Case No.-412 Year-2014 Thana- KOTWALI District- Patna

S. R. Digital Imaging Pvt. Ltd. Board Of Director Through Its Managing
Director and Ors

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Utsav Kumar

For the Opposite Party/s : Mr.Sri Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-09-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the order dated
01.10.2016 by which the learned Chief Judicial Magistrate,
Patna has taken cognizance for the offence under Sections 406,
420 and 120(B) of Indian Penal Code in connection with
Kotwali P.S. Case No. 412/2014 arising out of Complaint case
No. 24769C/2014 pending in the Judicial Magistrate, 1st Class,
Patna.

On 05.02.2022 following order was passed.

*Heard learned counsel for the petitioner and
learned counsel for the State.*

*The petitioner seeks quashing of the order dated
01.10.2016 by which the learned Chief Judicial Magistrate,
Patna has taken cognizance for the offence under Sections
406, 420 and 120(b) of the Indian Penal Code against all
the accused petitioners in connection with Kotwali P.S Case
No. 412 of 2014 arising out of Complaint Case No.*



24769C/2014.

Despite service of notice, opposite party no. 2 has not appeared today.

Considering the fact that the dues amount payable to the opposite party no. 2 as alleged in the complaint petition is a sum of Rs. 1,88,912.00/- (One Lakh eighty eight thousand Nine Hundered and Twelve Only) which has already been paid vide demand draft No. 081246 dated 19.08.2014, which does not stand disputed by the opposite party no. 2 but since there is no representation today, list this case on the 2nd of March, 2020, by which date, it is expected that the opposite party no. 2 will file his counter affidavit if any.

In the meantime and until further orders, let there be no coercive steps against the petitioner and the proceedings of the case (Kotwali P.S. Case No. 412 of 2014 arising out of Complaint Case No. 24769C/2014) shall be kept in abeyance.

It has been submitted that the petitioner has informed the police about the compromise but still the charge-sheet was submitted and the cognizance has been taken.

In view of the developments in this case, there is no need of proceeding further.

Accordingly, this application is allowed. The order dated 01.10.2016 passed by learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 412/2014 arising out of Complaint Case No. 24769(C)/2014 is hereby quashed.

(Sandeep Kumar, J)

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