

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67370 of 2018**

Arising Out of PS. Case No.-3557 Year-2016 Thana- PATNA COMPLAINT CASE District-  
Patna

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Atul Punj Son of Shri S.N.P. Punj, Resident of Plot No. 10, Prithviraj Road,  
New Delhi.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Prabhakar Kumar, Son of Sri Ranapratap Singh, Resident of Mohalla-Koeri  
Nadragaj, Gaya, Police Station Ciuvil Line, District-gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anand Ojha, Advocate  
Mr. Sanjeet Kumar, Advocate  
For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      20-04-2023                      Heard the parties.

This application has been filed for quashing the order dated 02.01.2018 passed in Complaint Case No. 3557© /2016 passed by the Court of learned J.M. 1<sup>st</sup> Class, Civil Court, Patna by which the learned Court has taken cognizance under Section 406 of the I.P.C. against the petitioner.

The prosecution story in short is that- "*complainant along with another sister was engaged in executing civil work for M/s. Punj Lloya Ltd and even after successful completion of work, the complainant has been deprived of his dues to the tune of Rs. 28,81,918/- (Twenty Eight Lacs Eighty one thousand nine hundred eighteen only). After submitting the bill, the complainant has also expenses of Rs. 4,00,000/- (Four Lacs) for the work of boring at Aurangabad as per the direction of accused persons. Hence the total*



*money of the complainant comes to Rs. 30,81,918/- (Thirty Lacs Eighty One Thousand Nine Hundred Eighteen Only). The accused company had also executed an agreement with the firm of the complainant in the name of Shivam Infra Koeribad Nadargan, Gaya in the form of letter of intent dated 03.09.2012, 20.09.2012 and 18.03.2013 respectively.”*

It has been submitted by the learned counsel for the petitioner that the dispute between the parties has been settled and in support of the same he has filed a supplementary affidavit containing withdrawal petition filed in the Court below and the settlement agreement between the parties.

The Magistrate concerned is directed to verify the withdrawal petition and the compromise petition and if the complainant supports the compromise petition then the learned Magistrate will drop proceeding and he will not insist for personal appearance of the petitioner before dropping the proceeding.

It is made clear that if the counsel for the complainant does not press his withdrawal petition then also the proceeding shall be dropped because as the complainant has lost interest in the case, the case cannot continue further.

The order on the withdrawal petition shall be passed within 15 days of communication of a copy of this order in the



Court below.

With the aforesaid observation and direction, this application is disposed of.

**(Sandeep Kumar, J)**

Shishir/Vikas

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