

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47592 of 2022

Arising Out of PS. Case No.-563 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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PINTU KUMAR @ PINTU KUMAR SINGH Son of Tarkeshwar Singh
Resident of Village - Belisarai, P.s.- Town, Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary Home Deptt. , Govt. of Bihar, Patna. Bihar
2. Manish Kumar Son of Raj Kumar Prasad Resident of Village - Champapur keiria, P.s.- Ghorasaha, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This petition has been filed for quashing the order dated 28.06.2021 passed by the learned Chief Judicial Magistrate, East Champaran, Motihari taking cognizance in connection with Muffasil Motihari P.S. Case No. 563 of 2020 for the offences under Sections 406/420 of the Indian Penal Code.

From reading of the F.I.R. *prima facie*, it appears that the offence has been committed by the petitioner and in view of the law laid down by the Supreme Court in the case of *M/s Neehariaka Infrastructure Pvt. Ltd. Vs. State of Maharastra &*



Ors. reported in (2020) 10 SCC 118, this application is dismissed.

However, if the petitioner wants to settle the dispute with the opposite party No.2, he is permitted to file a fresh quashing application only for the settlement of the dispute.

Considering the above, this Court is not inclined to interfere with the order impugned at this stage. The petition stands dismissed.

However, the Court below is directed to expedite the trial of the case and will not stop the proceeding on any account.

(Sandeep Kumar, J)

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