

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.31 of 2020

Arising Out of PS. Case No.-552 Year-2019 Thana- MASAUDHI District- Patna

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Amazon Seller Services Private Ltd.,BANGLORE, Through Authorised Representative, Mr. Prashant Kumar Having Its Registered Office At Brigade Gateway, 8th Floor, 26/1, Dr. Rajkumar Road, Malleshwaram (W), P.S.- Malleshwaram, Bangalore-560055 Represented Through Authorised Representative, Mr. Prashant Kumar, Aged 39 Years, S/O- Shri Ramji Prasad, Having Office At Ashiana Galaxy, Exhibition Road, P.S.- Gandhi Maidan, Patna-800001.

... .. Petitioner/S

Versus

1. The State Of Bihar Through Director General Of Police, Bihar, Sardar Patel Bhawan, Patna.
2. Senior Superintendent Of Police, Patna.
3. S.H.O., Masaurhi Police Station.
4. Investigation Officer, Masaurhi P.S. Case No. 552/2019.
5. Rajiv Ranjan Son Of Late Shyam Bihari Sharma Gyan Vibha Coaching Centre, Near Registry Office, Masaurhi, Patna-804452.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Adv.
For the Respondent/s : Mr. Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Counsel for the petitioner submits that the present writ petition has been filed for setting aside Masaurhi P.S. Case No. 552/2019 lodged under Section 420 of the I.P.C.

Counsel for the petitioner submits that from the perusal of the F.I.R. it transpires that no criminal case made against the petitioner, as there is lack of measure and counsel further submits that there is a similarly situated case namely **Parthabhai Ahir and Ors. Vs. State of Gujarat and Anr., AIR 2017 SC 4843**, which is applicable in the present case.

Counsel submits that during the pendency of this Writ petition, the company through its officers, came into contact with the informant and settled his grievances by making payment and petition was also filed i.e. compromise petition before the concerned Judicial Magistrate, where the case is still pending.

Counsel for the State submits that Section 420 of the I.P.C. is compoundable under Section 320 of the Cr.P.C. Counsel further submits that the remedy of closing the case is already under Cr.P.C., particularly when compromise have been filed before the Trial Court itself.

In this view of the matter, this Court is of the view that it shall be appropriate that the petitioner shall take proper procedural steps in law. Liberty is hereby granted to the petitioner that he may pursue this matter for quashing under Section 320 of the I.P.C. before the C.J.M. itself, who shall pass order after granting exemption to the petitioner from personal appearance in accordance with the law.

This Writ petition is disposed off with the observations made above.

(Dr. Anshuman, J.)

Ashishsingh/-

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