

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12037 of 2021

Arising Out of PS. Case No.-1643 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Amrita Kumari Daughter of Late Amit Kumr Choudhary Resident of Bari Patan Devi, Patna City, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari Daughter of Sri Shiva Shankar Prasad Presently residing at C/o Uma Shankar Prasad L.I.G. 30, Housing Board Company, Barari, Bhagalpur, Permanent Address- Bharko, Post- Bharko, P.S.- Banka, District- Banka.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27349 of 2021

Arising Out of PS. Case No.-1643 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Animesh Ankur S/O Anup Kumar Singh Resident of 18, Shivajee Path, Rajputana, Yarpur, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari D/o Sri Shiva Shankar Prasad Presently residing at C/o Uma Shankar Prasad L.I.G. 30, Housing Board Company, Barari, Bhagalpur, Permanent Address- Bharko, Post Bharko, P.S.- Banka, District- Banka

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12037 of 2021)

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

For the O.P. No. 2 : Mr. Akash Choudhary, Advocate

(In CRIMINAL MISCELLANEOUS No. 27349 of 2021)

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

For the O.P. No. 2 : Mr. Akash Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

12 02-08-2024

Heard Mr. Sanjiv Sharan, learned Advocate for the



petitioners and the learned APP for the State. The O.P. No. 2 appears through Mr. Akash Choudhary, learned Advocate.

2. This Court taking note of the consent of the parties for agreeable resolution of the dispute, referred the matter to Mr. Ashish Rohatgi, Chartered Accountant, having its office in Exhibition Road, Patna for accounting and settlement of dispute between them.

3. On being appointed as an Arbitrator, both the parties approached before Mr. Ashish Rohatgi for resolution of their dispute. The parties sat together and finally the account has been settled and accordingly, as per the compromise an award dated 28.01.2023 has prepared, directing the petitioners to pay an amount of Rs. 29 lakhs to the O.P. No. 2.

4. Pursuant to the award passed by learned Arbitrator, the petitioners have deposited Rs. 29 lakhs through various transactions, the particulars of which is reproduced hereinbelow.

Sl. No.	Transaction Date	Cheque No./Ref. No.	Transaction Remarks	Withdrawal Amt (INR)	Paid By
1.	10-Feb-23	903	RTGS:ICICR52023 021000830553/UC BA0003257/SS INFOSOLUTION	14,00,000.00	ICICI BANK-785
2.	20-Feb-23	000479	RTGS:ICICR52023 022000677323/UC BA0003257/MS SS INFOSOLUTION	7,00,000.00	ICICI BANK-140
3.	28-Feb-23	000904	RTGS:ICICR52023 022800450373/UC BA0003257/MS SS	4,00,000.00	ICICI BANK-785



			INFOSOLUTION		
4.	04-Mar-2	905	RTGS:ICICR52023 030400792980/UC BA0003257/MS SS INFOSOLUTION	4,00,000.00	ICICI BANK- 785
			TOTAL	29,00,000.00	

5. The factum of compromise and receipt of payment has been duly accepted by the O.P. No. 2, is the contention of learned Advocate for the O.P. No. 2.

6. Considering the allegation levelled in the complaint case which, *prima facie*, appears to be a money transaction and a dispute arising therefrom, this Court had appointed an Arbitrator and now both the parties have compromised their dispute. None of the parties have any complaint to each other. Moreover, the learned jurisdictional Court has taken cognizance of the offences under Sections 420 and 406 of the Indian Penal Code.

7. Trite it is, the criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed. When the parties have resolved their entire disputes among themselves; it warrants to secure the ends of justice or to prevent abuse of the process of any Court.

8. In view of the aforesaid facts, this Court finds that



now continuance of the proceeding at the face of the settlement between the parties would be an abuse of the process of the Court and accordingly, the order taking cognizance dated 29.11.2017 passed in Complaint Case No. 1643/C/2016 by the learned Additional Chief Judicial Magistrate IIIrd, Bhagalpur stands quashed to the extent it relates to the petitioners.

9. Both the quashing applications stand allowed.

(Harish Kumar, J)

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