

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19290 of 2024

Arising Out of PS. Case No.-3309 Year-2018 Thana- PATNA COMPLAINT CASE District- Patna

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1. Modi-Mundipharma Beauty Products Pvt. Ltd.(Formerly known as Modi Revlon Pvt. Ltd.) Office at 1400, Modi Tower 98, Nehru Place New Delhi through its authorised representative Shri Rajiv Bahl son of Late N.S Das Bahl R/o- 107-C, Pocket-A, DDA Flats, Sukhdev Vihar New Delhi
 2. Umesh Kumar Modi @ U.K Modi, Chairman, Modi Mundipharma Beauty Products Pvt. Ltd. Office at 1400, Modi Tower 98, Nehru Place New Delhi through its authorised representative Shri Rajiv Bahl son of Late N.S Das Bahl R/o- 107-C, Pocket-A, DDA Flats, Sukhdev Vihar New Delhi
 3. Sanjay Kumar Garg @ Sanjay Garg son of Ram Narain Garg R/o- M-158, F/F South City-1, Gurgaon

... .. Petitioners

Versus

1. The State of Bihar
2. Om Raj Enterprises Jagat Apt, Bank Road Ps- Gandhi Maidan Dist- Patna, through its Proprietor Shri Chandra Shekhar R/o- Goal Ghar Ps- Gandhi Maidan Dist- Patna

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Ramakant Sharma, Senior Advocate
Mr. Nikhil K Agrawal, Advocate
Mr. Y. Sahay and Ms.A Hansaria, Advocates
For the Opposite Parties : Mr.Binod Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 22-03-2024

Present application has been filed for quashing order dated 19.12.2022, passed by the Judicial Magistrate 1st class, Patna in Complaint Case No. 3309C/2018 by which cognizance has been taken for the offence punishable under sections 418, 468, 471 and 120B of the Indian Penal Code against these petitioners as well as for setting aside the entire criminal proceedings against the petitioners.

2. Learned counsel for the petitioners submits that petitioners no.2 and 3 are respectively Chairman and Director of



the Company. They are not directly involved with the day to day affairs of the Company. Besides this, allegations made by the complainant are related with settlement of accounts and are out and out a civil dispute and no criminal case is made out in the transaction in question.

3. It is jointly prayed by the parties that though the offences for which cognizance has been taken are not compoundable, however, good sense has prevailed and dispute has amicably been settled between the parties. Parties have voluntarily and willingly settled the dispute and a joint compromise agreement dated 15.03.2024 has been executed between them. A copy of the joint compromise agreement dated 15.03.2024 is annexed as Annexure P/5. Learned counsel for the petitioners submits that in terms of the said compromise, the Petitioners' Company has agreed to make payment of Rs. 16,50,000/- to O.P. No 2 (through DD No. 775925 dated 15- 03-2024 drawn on HDFC bank) towards full and final settlement. Said demand draft has been handed over to opposite party no.2, who is present in person, today in the Court itself. They submit that considering the private and trivial nature of dispute and compromise between the parties, continuation of the criminal proceeding would amount to an abuse of the process of the court. Reliance has been placed on case of **Naresh Kumar**



and another vs State of Karnataka and another, reported in **2024 SCC Online SC 268**. They submit that even in the case of non- compoundable offences, in view of the compromise arrived at between the parties, this Court can quash the proceeding in exercise of power under Section 482 Cr.P.C.

4. Having heard learned counsel for the parties and considering the facts and circumstances of the case, aforesaid case law as well as the decision of the Hon’ble Supreme Court pronounced in case of **Gian Singh Vs. State of Punjab & Another**, reported in **(2012)10 SCC 303**, in my view, the continuance of criminal proceeding after compromise between the parties would amount to an abuse of the process of the court, hence the impugned cognizance order dated 19.12.2022, passed in Complaint Case No. 3309C/2018 stands quashed with respect to these petitioners.

5. This application is allowed accordingly.

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.3.2024
Transmission Date	22.3.2024

