

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22454 of 2024

Arising Out of PS. Case No.-164 Year-2021 Thana- PARSAUNI District- Sitamarhi

1. Mr. Rakesh Kumar Son Of Arjun Singh Resident Of 401, 4th Floor, Sri Narayani Complex, Oppo, District Science Centre, P.O. And P.S.- Puruliya, Distt.-PURULIYA, West Bangal 723101 Currently Working As The Project Director In Shel- Rcm Jv Officiating From His Office At Lot-1, Sitamarhi Project Sitamarhi Jayanagar-Narahia Section Of Nh-104, P.O. And P.S.-SITAMARHI, Distt.-SITAMARHI
2. Mr. C Venkata Raman Son Of C. Sreenivasulu R/O-1301/13th Floor, Hicons Enclave, 14th Floor, Near Khar Telephone Exchange, Khar (WEST), P.O. And P.S.-KHAR (WEST), Distt.-MUMBAI, Maharastra-400052
3. Mr. Uma Shankar Singh Son Of Prakash Singh R/O-Khambhawa, P.O. And P.S.-KHAMBHAWA, Distt.-HAZARIBAGH, Jharkhand-825313, Currently Working As The Director, M/S Universal Agency Ramgarh (P) Limited, Officiating From His Office At Uma Niketan, 1st Floor, Ranibagh, P.O. And P.S.-RAMGARH Cantt, Distt.-RAMGARH, Jharkhand-829122
4. Mr. Ks Choudhary Son Of Venkateshwar Rao R/O-H.No. 7-1-639/9, Plot No. 9, Model Colony, Snajeev Reddy Nagar, Near Esi Hospital, P.O And P.S.-SANJEEV Reddy Nagar, Hyderabad, Telangana-500034 Currently Working As Director, M/S Rcm Infrastructure Limited Officiating From His Office At 8-2-622/5/A/2, Infra Chambers, 2nd Floor, Avenue-4, Road No. 10, Banjara Hills, P.O. And P.S.-BANJARA Hills, Hyderabad, Telangana-500034
5. Mr. Sunil Gutte @ Sunil Ratnakar Gutte Son Of Ratnakar Dhute R/O-Ramsita Sadan, Kodri Road, Gangakhed Parbhani, Shrikrushna Nagar, P.O. And P.S.-GANGAKHED, Distt.-PARBHANI, Maharastra-431514 Currently Working As The Managing Director, Sunil Hi-Tech, Officiating From His Office At 6th Floor, C Wing, Met Educational Complex, Gen Ak Vaidya Marg, P.O. And P.S.-BANDRA (W), Distt.-MUMBAI, Maharastra, 400050

... .. Petitioners

Versus

1. The State Of Bihar
2. M/S R K Builders And Colonisers Through Its Proprietor Rajesh Kumar Gupta Age About 58 Years Son Of Narayan Das Gupta Resident Of 163, Panchkunya, Janshi, Utter Pradesh 284002

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manas Prakash, Advocate
For the Opposite Party/s :	Ms/Mrs. Meena Singh, Addl Public Prosecutor
	Mr. Satish Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-04-2024

Present application has been filed for quashing FIR



of Personi Police Station Case No. 164 of 2021 filed for offence punishable under sections 406, 420 and 120B of the Indian Penal Code.

2. Leaned counsel for the petitioners has submitted that the petitioners have cleared all dues of opposite party no.2 and thus parties have settled the dispute. In support of the submission, he refers to paragraph 6 of the counter affidavit filed by opposite party no.2 in which opposite party no.2 has stated that all the dues have been cleared and the deponent has no grievance against the petitioners. Learned counsel further submits that though the offences, made out in the FIR, are not compoundable, however, matter has been resolved, as such, considering the private and trivial nature of dispute and subsequent settlement between the parties, continuation of the criminal proceeding would amount to an abuse of the process of the court and as such this Court can quash the FIR in exercise of power under Section 482 Cr.P.C. Reliance has been placed on case of **Naresh Kumar and another vs State of Karnataka and another**, reported in **2024 SCC Online SC 268**.

3. Learned counsel for opposite party no.2 does not controvert the facts of the case narrated by learned counsel for



the petitioners.

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 **Naresh Kumar (supra)** as well as **Gian Singh Vs. State of Punjab & Another**, reported in **(2012)10 SCC 303**, in my view, the continuance of criminal proceeding after settlement of the dispute between the parties would amount to an abuse of the process of the court, hence the FIR of Personi Police Station Case No. 164 of 2021 filed for offence punishable under sections 406, 420 and 120B of the Indian Penal Code, stands quashed with respect to these petitioners.

5. This application is allowed accordingly.

Shashi

(Prabhat Kumar Singh, J)

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