

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19246 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Sunil Kumar Sharma Son Of Jagdish Sharma Resident Of Moffarganj Gareri,
Ps Town Katihar, DIST. -KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manik Chandra Baitha Son Of Late Ramji Baitha Resident Of Village-
Hridyaganj Gareri Tola, Ps- Town Katihar, Distt- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Mr. Madhurendra Sharma, Advocates
For the State	:	Mrs. Pronoti Singh, APP
For the Informant	:	Mr. Sameer Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-07-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 03.01.2023 by which cognizance has been taken against the petitioner in Complaint Case No. 408 of 2022, registered under sections 406 & 420 of the Indian Penal Code.

3. As per prosecution case, complainant has given Rs. 30,00,000/- to the petitioner for doing some business without any interest as per the agreement and the petitioner agreed to pay entire amount to the complainant after 11 months as per agreement. The petitioner did not pay the amount thereafter complainant send legal notice to the petitioner but



was un-replied.

4. Learned counsel for the petitioner submits that the petitioner has produced and signed the undertaking which gives schedule of payment of remaining amount of Rs. 17,50,000/- (Rs. Seventeen Lakh Fifty Thousand only) in four equated installments to the opposite party no. 2 namely Manik Chandra Baitha, the undertaking reads as follows:-

Sl. No.	Installment	Amount in (Rs.)	On or before due date
01	1 St Installment	Rs. 5,00,000/-only	31.10.2024
02	2 nd Installment	Rs. 5, 00,000/- only	31.01.2025
03	3 rd Installment	Rs. 5,00,000- only	30.04.2025
04	4 th Installment	Rs. 2,50,000/- only	30.07.2025

5. In view of the above, this application is disposed of with a direction to the court below that after the entire payment is made as per the undertaking, the court below will drop the proceeding after the entire payment is made.

6. It has been submitted by learned counsel for the opposite party no. 2 that the dispute is of Rs. 40,00,000/- (Rupees Forty Lakhs only) whereas Mr. Santosh Kumar, learned counsel appearing on behalf of the petitioner submits that the dispute is of Rs. 23.5 lakh, this Court is not going into that dispute in view of the undertaking of the petitioner.

7. The opposite party no. 2 is given liberty to



approach the appropriate court for redressal of his grievance.

(Sandeep Kumar, J)

Ranjeet/-

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