

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37245 of 2023

Arising Out of PS. Case No.-157 Year-2012 Thana- SHASTRINAGAR District- Patna

RANJIT KUMAR MISHRA son of Late Khurkhur Mishra Flat no-201,
Gargee Complex Patel Nagar Ps- Shastri Nagar Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Mishra son of Late Ramesh Chandra Mishra Chamber No-1,
Dist- Bar Association Above siddheshwari Kachh Ps- Pirbahore Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravashankar Mishra
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 16-07-2024

I.A. No. 1 of 2024

The present interlocutory application has been filed
for addition of prayer in the main petition.

2. For the reasons mentioned in the interlocutory
application, the same is allowed.

Cr. Misc. No. 37245 of 2023

3. This application has been filed for quashing of
orders being order dated 15.04.2023 passed by learned
Additional Sessions Judge, XVIII, Patna in Criminal Revision
No. 246 of 2022 whereby the learned Additional Sessions
Judge- XVIII, Patna has rejected the Criminal Revision filed by
the petitioner and order dated 15.06.2022 whereby the learned



Additional Chief Judicial Magistrate-XI, Patna has cancelled the provisional bail granted to the petitioner.

4. The prosecution story in short is that:-

a) The accused persons are owners and officers of M/s Pahi Construction Company and M/s Mithila House Construction. In the month of January, 2011, accused persons met the informant with respect to the pairvi in case in the Civil Court and called the informant to their house with respect to a new construction site namely Radha Palace situated at R.P.S. More.

b) Thereafter, the informant reached the house of accused persons then they explained in detail about their project under construction and induced him, on account of which though the informant has been residing in 2 BHK flat of Anandpuri with his family but a flat situated at the ground floor or fitted with the lift up to the month of November-December, 2011 was needed to the informant for their mother and father who were suffering with disease.

c) In the month of December, the father and mother of the informant came to Patna who are residing with the informant at 3rd floor in the residence of the informant but the accused Ranjit Mishra even after receiving Rs. 18 lakhs did not



handover the possession of the flat. Consequently, the agreement stood cancelled in the month of March 2012 for which the informant had also informed the accused persons with notice dated 14.04.2012 and the accused persons have also switched off their mobiles.

d) The informant has suffered on account of non handing over the flat to the informant and therefore, the case under Sections 406/420/34 of the Indian Penal Code was registered against the accused persons.

5. It has been submitted by the learned counsel for the petitioner that the mater has been settled and the flat was transferred in the name of the informant who has subsequently sold the flat also. The settlement deed is mentioned at page 76 of the petition. The settlement petition was filed in the Court of the Judicial Magistrate, Patna. The relevant terms and conditions of the settlement deed is as follows:-

“(i) The accused person committed to execute the sale deed only at the Stamp fee as prevailed in the month of February 2012 while he will be liable to pay the difference of enhanced amount and other miscellaneous charges as per the Bihar Apartment Act 2006/2012 as on date. Although the registered Agreement for the flat has been expired in the month of March 2012.

(ii) The accused petitioner will never disturb the informant in any way.

(iii) The accused petitioner shall pay Rs



3,05,000/- (Rupees Three lacs five thousand only) by way of demand draft and the copy of same shall be affixed to this petition (Annexed).

(iv) That above compensation amount mentioned in Para-3(of terms and conditions) consists of compensation including the difference amount, repairs, electrification, fitting and fixtures and any other relief sought for by the Complainant/ informant.

(v) That the informant out of his free will, has decided not to prosecute the accused petitioner before the learned Court or any other Court in matter of Shastrinagar P.S. Case No. 157/2012 or any other matter related to Flat no. 201 Radha Palace at. Mauja Saguna, Arya Samaj Road, Naya Tola, Saguna, Pargana Phulwari, Sharif P.S. Danapur, District- Patna.

(vi) That the informant has no other grievances after receiving the compensation mentioned in Para-3 of terms and conditions of this compromise petition.

(vii) That the informant by his free will after receiving the demand draft mentioned in Para- 3 is willing to take back all cases against the accused (Civil : or criminal).

1. Shastrinagar P.S. Case No. 157/2012.

2. Danapur P.S. Case No. 141/13.

Above cases mentioned to the best of Knowledge of the informant.

(viii) That the Registration of the property shall be 230%. completed on 23rd May 2022 by the Director/s of the Pahi construction Pvt. Ltd.

(ix) That the Informant or any of his Family member or heir in Future or present after this compromise petition or the accused or his family member or heir after this settlement/ compromised, for flat No. 201, Radha palace at Manja Saguna, Arya Samaj Road, Naya Tola Saguna, Pargana Phulwari, Survey P.S.- Danapur, District -



Patna shall enter in any civil / criminal proceedings.”

6. The amount of Rupees Three Lakhs Five Thousand Only has been received by the opposite party No. 2 which is apparent from the records.

7. The parties had decided to take back all the cases i.e. civil and criminal which include Shastrinagar P.S. Case No. 157/2012 and Danapur P.S. Case No. 141/13.

8. It appears that opposite party No. 2 is a practicing Advocate in the District Court and is not appearing in this case as he is satisfied with the compromise.

9. In these circumstances, this application is allowed.

10. Accordingly, the entire proceeding in connection with G.R Case No. 2676 of 2012 arising out of Shastri Nagar Police Station Case No. 157 of 2012 dated 06.06.2012 lodged for the offence u/s 406,420,120B of Indian Penal Code which is pending in the Court of learned Additional Chief Judicial Magistrate, XI, Patna is hereby quashed.

(Sandeep Kumar, J)

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