

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53486 of 2024

In
CRIMINAL MISCELLANEOUS No.84341 of 2023

Arising Out of PS. Case No.-830 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Ajay Kumar @ Ajay Kumar Cahaurasia @ Ajay Kumar Chourasia son of Late Keshav Pd. Chourasia Village- Bairia PS.- Tikapatti Dist- Purnia P/A- Near Goithala Secondary School P.S- Pirpanti Dist- Bhagalpur
 2. Surebi Kumari wife of Ajay Kumar @ Ajay Kumar Cahaurasia @ Ajay Kumar Chourasia Village- Bairia Ps- Tikapatti Dist- Purnia P/A- Near Goithala Secondary School Ps- Pirpanti Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kamal Son of Late Naresh Prasad Resident of Bairya, P.O. and P.S. - Tikkapatti, District - Purnia, presently resident of Anandpuri, Boring Canal Road, P.O. and P.S. - S.K. Puri, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr.Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-09-2024 Heard Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioners and Mrs. Sangeeta Sharma, learned APP for the State.

2. The dispute primarily relates to recovery of certain amount which is due to the complainant as alleged in the complaint.

3. Learned counsel appearing on behalf of the petitioners seeks to modify the order dated 16.04.2024 passed in Cr. Misc. No. 84341 of 2023 to the extent that though the Mediation has failed between the parties, still the petitioner is



ready to return the admitted amount of Rs. 7, 50,000/-, out of which, petitioner has already returned Rs.2 lacs and today the petitioner wants to return a sum of Rs.5,50,000/- by way of demand draft no. 692397 dated 19.09.2024.

4. Mr. Manoj Kumar Jha, learned counsel has tendered his appearance on behalf of the complainant and submits that the main cause of failure of mediation is that, in the meantime, the petitioner has lodged a complaint case no. 1198 of 2024 before the Court of learned Chief Judicial Magistrate, Purnia. Learned counsel has shown his displeasure that at one time petitioner has tried to settle the dispute, at the same time, he has involved in filing frivolous complaint case. However, he submits that since the petitioner has agreed to return the admitted amount and learned counsel is tendering a bank draft as mentioned above, he seeks to accept the same subject to the condition that petitioner should withdraw the criminal complaint lodged against him.

5. The Apex Court time and again has cautioned the Court not to act as a recovery officer. I find that a good sense has prevailed between the parties to settle the dispute. Learned counsel appearing on behalf of the petitioner has informed that the petitioner is too willing to settle the dispute and he is ready



to withdraw the complaint lodged against the opposite party no.2. I don't find any reason to keep the present modification application pending before this Court. In view of the law laid down by the Apex Court in the case of **Bimla Tiwari vs. State of Bihar & Ors. passed in SLP (Crl.) Nos. 834-835 of 2023**, both the parties must abide by their undertaking which they have undertaken in the open Court.

6. The provisional bail granted to the petitioner vide order dated 16.04.2024 passed in Cr. Misc. No. 84341 of 2023 is made absolute.

7. The modification application stands disposed of.

(Purnendu Singh, J)

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