

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61683 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- KOTWALI District- Patna

Vijay Kumar Gupta Son of Late Satya Pal Gupta Resident Of A-137, Second Floor, Vikas Puri, Tilak Nagar, P.S. South Campus, District- West Delhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Prashant Rai Son of Prakash Rai R/O D-203, Second Floor, Dumraon Palace, Frazer Road, P.S.- Kotwali, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Anuj Kumar
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the OP. NO. 02	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Mohit Agrawal, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-08-2024 Heard the learned counsel for the petitioner, learned APP for the State and learned senior counsel for the O.P. No. 02; Shri S.D. Sanjay assisted by Shri Mohit Agrawal.

2. This is an application for quashing of the F.I.R. bearing Kotwali P.S. Case No. 40 of 2024 instituted for the offences under Sections 406, 409, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that the matter has been settled between the parties and pursuant to the settlement, Rs. 1 Crore 60 Lakh has been transferred in the bank account of the O.P. No. 02.



4. Learned senior counsel for the O.P. No. 02; Shri S.D. Sanjay accepts this fact of the settlement of the case between the parties.

5. It has further been submitted by the learned counsel for the petitioner that G.S.T. Bill was raised against the O.P. No. 02 which has been reversed by the company of the petitioner and hence there shall be no liability of the G.S.T. upon the O.P. No. 02.

6. It has jointly been submitted by both the parties that now there is no dispute between them and no further grievance shall be raised by either of the parties.

7. In the interest of justice, *this application is allowed*. The F.I.R. bearing Kotwali P.S. Case No. 40 of 2024 is hereby quashed against all the accused persons including the petitioner.

8. It was submitted yesterday that the petitioner is in jail. His bail application was filed around seven days back in which the O.P. No. 02 had personally appeared and had submitted that matter has been settled, and the petitioner may be released on bail.

9. The Chief Judicial Magistrate, Patna has still not passed any order on the bail application of the petitioner.



10. In these circumstances, the Chief Judicial Magistrate, Patna is directed to release the petitioner on bail forthwith.

11. Let a copy of this order be communicated to the District Judge, Patna through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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