

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41820 of 2015

Arising Out of PS. Case No.-1082 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

Dr. Pramod Kumar Varma S/o Late R.K. Verma resident of Plot No. 224
'A' Patliputra Colony, P.S. Patliputra, District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Sri Anand Kishore Sinha S/o Late N.K.N. Singh resident of Plot No. 201, Patliputra Colony, P.S. Patliputra, District - Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Amit Shrivastava, Sr. Advocate Mr.Girish Pandey, Advocate
For the O.P. No.2	:	Mrs.Roona, Advocate Mr.Kshitiz Kumar, Advocate Ms.Kumari Yaggik Kulsherstha, Advocate
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 02-05-2024

Heard Mr. Amit Srivastava, learned senior counsel
appearing for the petitioner, learned counsel for the opposite
party no. 2 and learned A.P.P. of the State.

2. This application has been filed to quash the
order taking cognizance dated 06.08.2015 under Section
420, 468, 471 and 120B of the Indian Penal Code (in short
the 'I.P.C.') passed by learned Judicial Magistrate - 1st Class
Patna in Complaint Case No. 1082(C)/2015.

3. Facts in brief speaks that complainant while he
was the member and Secretary of the P.H.C. Society Ltd,



Patna, where accused/petitioner namely, Pramod Kumar Verma was also a member as well as the President of society, fraudulently submitted the annual report and dishonestly worked as President without any valid resolution, the minutes of the meeting were manipulated and circulated by Pramod Kumar Verma (the petitioner). The complainant was worried regarding the act of the accused under the Co-operative laws. The files and documents were taken by the accused and decisions were taken for illegal gratification. There was several numbers of such cases where benefits were given to the plot owners and also N.O.C. was issued. Thereafter, the complainant and some of the Board Members have demanded a white paper from the accused-petitioner in the A.G.M. but the accused refused to provide the same. The complainant further alleged that plot no. 138 was in front of his house which was earmarked for a market complex and more than 10 Lakhs were spent for that, but the accused-petitioner did not allow the complex to complete and interpolated the minutes of the A.G.M. and further that in connivance with his brother-in-law, who is the present



Secretary, did not take possession of eight kathas of land situated in Manpura. The complainant further alleged that the accused-petitioner has also signed several cheques without having proper authority.

4. Learned senior counsel Mr. Amit Srivastava appearing on behalf of the petitioner submitted that the complaint is purely private in nature and, moreover, in view of counter affidavit dated 21.12.2023 as filed by complainant namely, Anand Kishore Sinha, nothing survives in this matter and, as such, any consequential proceeding would only amount to abusing the process of court of law and, as such, this case is fit to be quashed and set-aside.

5. Learned counsel appearing on behalf of the complainant while arguing this matter affirmed the contents of affidavit as sworn by the complainant on 21.12.2023.

6. It would be apposite to reproduce the counter affidavit filed on behalf of the complainant/opposite party no. 2, which is as under:

"Counter Affidavit on behalf of Opposite Party No.

2.

I, Anand Kishore Sinha, aged about 80 years (Male) son of Late N.K.P. Sinha, Resident of House No. 201, Patliputra Colony, P.S. - Patliputra, Distt.-Patna, do hereby



solemnly affirm and state as under:

1. That the deponent is the Ex-Secretary and the petitioner is Ex-President of Patliputra House Construction Society Ltd.

2. That the Complaint Case No. 1082 of 2015 was filed by me which was primarily related Official act of the petitioner in capacity of President/Vice President of the Cooperative Society.

3. That during pendency of this case the witnesses in the complaint case namely, Md. Nasim, S/o Late SM Jalil, Resident of 291, Patliputra Colony and witness No. 2 namely, Prem Shankar Thakur, son of Late B. Thakur, Resident of 286, Patliputra Colony passed away.

4. That I have attained 80 years of age and as such I am no more interested in pursuing the Complaint Case No. 1082 of 2015. Moreover, the petitioner Dr. P.K. Verma has sold his property situated at Patliputra Colony and shifted to Bangalore for his family reasons.

5. That with passage of time many changes have taken place and the Patliputra Cooperative Society is functioning under Adhoc arrangement made by Cooperative Department from time to time and the real cause as agitated in the Complaint Case has extinguished.

6. That in the larger interest the deponent does not want to press the Complaint Case as the cause has extinguished and in changed circumstance no useful purpose would be served if the complaint case is allowed to continue.

7. That the statements made in this affidavit are true to my knowledge and belief derived from the record of the case which I believe to be true."

7. In view of the aforesaid contents of the counter affidavit, as filed by complainant on 21.12.2023, nothing survives to proceed further in this matter. Accordingly, the impugned order dated 06.08.2015 as passed by learned Judicial Magistrate - 1st Class, Patna in connection with Complaint Case No. 1082(C)/2015 with all its consequential



proceedings *qua* petitioner stands quashed and set-aside.

8. Accordingly, this application stands allowed.

9. Let a copy of this order be sent to learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	02.05.2024

