

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83219 of 2023

Arising Out of PS. Case No.-704 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Sandeep Kumar Chhamunya @ Sandeep Chhamunya S/O Sumati Prakash Chhamunya R/O Flat No. 81, Lxia-5, Vatika City, Section-459 Sohna Road, Islampur (97), P.S- Islampur, Distt- Gurgaon, Haryana.
 2. Rajeev Ranjan Mishra @ Rajeev Kumar Mishra S/O Krishna Nand Mishra R/O C1/302, Rahul Park, Mumbai Puna High Way, Near Vinayak Hospital, P.S- Warje, Pune City, Distt.- Pune, Maharashtra- 411058.
 3. Rajnikant Ratnakar S/O Rambaboo Patel R/O Kameshwa Nath Lane, Andigola Road, Near R.R. A.B. High School, P.S- Town, Distt.- Muzaffarpur, Bihar- 842002.
 4. Nishikant Upadhyay S/O Om Prakash Upadhyay R/O Flat No. 602, B Wing Area No. 2, Mirza Bhayandar Road, Poonam Garden, Mira Road East Opposite S.K. Stone, P.S- Kashi Mira, Distt.- Thane, Maharashtra- 401107.
 5. Punit Goenka S/O Subash Chandra R/O Village- Bunglow No. 1, Jolly Maker No. 1, Cufe Parade, P.S- Colaba Distt.- Mumbai, Mumbai- 400005.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhanu Singh S/O Shri Diwakar Prasad Singh R/O C.C Mukharjee Road, P.S- Kotwali (Jogshar O.P), Distt.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 17-05-2024 1. Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.
2. The petitioners have filed the instant application
praying for quashing of the FIR pertaining to Bhagalpur
Kotwali P.S. Case no.704 of 2019 registered under sections 406



and 420 of the Indian Penal Code.

3. Learned counsel for the petitioner at the outset submits that the dispute between the parties relates to Rs.7 lakhs. The petitioners were ready and willing to pay the aforesaid amount and to bring the instant criminal case to an end.

4. In response, it was submitted by learned counsel for the opposite party no.2 that as per instructions received, the informant also does not have any objection to the FIR being quashed provided the disputed amount of Rs.7 lakhs is paid to the informant.

5. Accordingly, by order dated 15.5.2024 the matter was adjourned giving liberty to both the petitioners as also the informant to make the aforesaid statements on affidavit. An affidavit as also a second affidavit, both sworn by the informant dated 17.5.2024 have been filed in Court today which are taken on record. The contents of the affidavit as also the second affidavit of the informant are reproduced hereinbelow in toto for ready reference:

“Affidavit sworn by the Informant:-

*I, Bhanu Singh, aged about-52 years, Gender -Male,
Son of Shri Diwakar Prasad Singh, Resident of C.C.
Mukharjee Road, P.S.-Kotwali (Jugsher O.P.),
District- Bhagalpur, do hereby solemnly affirm and
state as follows:-*



- 1. That I am Opposite party No.2 in the instant application and am well acquainted with the fact and circumstances of the case.*
- 2. That I have gone through the contents of the instant application filed by the accused persons of the case.*
- 3. That the accused persons have entered into a compromise with the informant and they are ready to pay Rs. 7,00,000/- (Rupees Seven lakh) to the informant/ Opposite party no.2.*
- 4. That the opposite party no.2 has no objection if the F.I.R. and its subsequent proceedings are quashed provided the accused pay Rs. Seven lakh to the opposite party no.2 before quashing of the F.I.R. and the subsequent proceeding.*
- 5. That the contents of this affidavit have been read and understood by me and the same are true to my knowledge.*

2nd Affidavit sworn by the Informant:-

I, Bhanu Singh, aged about-52 years, Gender Male, Son of Shri Diwakar Prasad Singh, Resident of C.C. Mukharjee Road, P.S.-Kotwali (Jugsher O.P.), District- Bhagalpur, do hereby solemnly affirm and state as follows:-

- 1. That I am Opposite party No.2 in the instant application and am well acquainted with the fact and circumstances of the case.*
- 2. That I have gone through the contents of the instant application filed by the accused persons of the case.*
- 3. That the accused persons have entered into a compromise with the informant and they are ready to*



pay Rs. 7,00,000/- (Rupees Seven lakh) to the informant/ Opposite party no.2.

4. That the opposite party no.2 has no objection if the F.I.R. and its subsequent proceedings are quashed provided the accused pay Rs. Seven lakh to the opposite party no.2 before quashing of the F.I.R. and the subsequent proceeding.

5. That the informant has received Rs. 7,00,000/- (Rupees Seven Lakh) from the petitioners and thus the grievance of the informant has been redressed. The informant now has no grievance against the petitioners. The informant has no objection if the F.I.R. alongwith subsequent proceeding is quashed.

6. That the contents of this 2nd affidavit have been read over and understood by me and the same are true to my knowledge.”

6. Having heard learned counsel for the parties and taking into consideration the contents of the affidavits of the informant as quoted herein above, it transpires that the amount of Rs.7 lakhs has been paid by the petitioners to the informant-opposite party no.2.

7. In view of the above, learned counsel for the opposite party no.2 submits that he has no objection to the FIR of the instant case being quashed and the instant application being allowed.

8. In view of the facts and circumstances of the case, the FIR of Bhagalpur Kotwali P.S. Case no.704 of 2019 is



hereby quashed.

9. The application is allowed.

(Partha Sarthy, J)

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