

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73370 of 2024

Arising Out of PS. Case No.-775 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Sarwan Kumar @ Sharvan Kumar S/o Ramesh Chandra Mahto R/o Village-
Shahar Rampur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Sao @ Ravi Kharu Sao S/o Kharu Sao R/o Village- Gorela, P.O.
Rambo Jaitipur, P.S.- Naubatpur, District- Patna- 801109

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dr. Manoj Kumar, Adv. Mr. Devendra Prasad, Adv.
For the Opposite Party/s :		Mr. Raj Kishor Singh, Adv. Ms. Sweety Sinha, Adv. Mr. Kshem Sharma, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 28-04-2025

Heard learned counsel appearing on behalf of

the parties.

2. Present petition is being filed on behalf of the

petitioners for quashing of order dated 07.07.2022

passed by learned Judicial Magistrate 1st Class, Danapur

(Patna) in Complaint Case No.775C of 2021 whereby and

whereunder the learned Magistrate has found *prima-*

facie case against the petitioner Under Section 419, 406,

420 of the Indian Penal Code without properly



considering the case of the petitioner coupled with nature of the case.

3. As per case of prosecution, the petitioner is a land broker, who made an agreement to sale a piece of land to O.P. No. 2. As per the agreement, the O.P. No. 2 paid total amount Rs. 5,00,000/- (Five Lakhs Rupees) through cash and Real-Time Gross Settlement (RTGS). After having paid total consideration amount of Rupees Five Lakhs, it was revealed that the address of co-accused namely, Dharmsheela Devi, wife of Surendra Mahto was false and no such address exist in real. Thereafter, a legal notice was sent to the petitioner which was returned back due to insufficient address. Later on, a legal notice dated 24.08.2020 was sent through speed post to the petitioner which was received by him, where he denied to receive Five Lakh Rupees. It is further alleged that the petitioner from the very beginning with common intention committed fraud and therefore cheated O.P. No. 2 and also committed breach of trust. Consequent upon, the



present Complaint petition was filed, where cognizance was taken as aforementioned.

4. It appears that both parties have filed a joint compromise petition on 05.10.2024 before the learned court below stating therein that petitioner has already paid the amount of Rs. 3,50,000/- (Rupees Three Lakh Fifty Thousand) to the O.P. No. 2.

5. Aforesaid factum of compromise and receiving of payment as aforesaid was approved by learned counsel appearing for O.P. No. 2.

6. In view of aforesaid facts and circumstances as matter being civil dispute appears compromised between the parties, where parties settled their disputes and differences amicably, continuing with present criminal proceedings before the learned Trial Court would only amount to abuse the process of court.

7. Accordingly, in view of amicable settlement , as aforesaid order dated 07.07.2022, in Complaint Case No. 775C of 2021 passed by learned Judicial Magistrate



1st Class, Danapur (Patna) is hereby quashed/set aside
qua petitioner, with all its consequential proceedings.

8. Accordingly, the petition stands allowed.

9. Let a copy of the judgment be sent to the
learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.04.2025
Transmission Date	30.04.2025

