

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10653 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GANDHIMAIDAN District- Patna

DURGA PRASAD Son of Siyalal Prasad Resident of Nakash Devi Asthan,
P.S.- Malsalami, District - Patna. (Office Address - Shree Radhe Krishan
Trading, Shitla Mata Mandir Road, P.S.- Agamkuan, District - Patna.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashutosh Tekriwal Son of Anjan Kumar Tekriwal Resident of Sharda Sadan,
Kankarbagh, P.S.- Kankarbagh, District - Patna. (Present Address - M/s. Shri
Radhe Shyam Trading Company, Narayani Bhawan, Jamal Road, P.S.-
Gandhi Maidan, Patna).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate Mr. Amresh Kumar, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, Advocate
For the O.P. No.2	:	Mr. Sanjeev Kr. Mishra, Sr. Advocate Ms. N. Jaisal, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

13 08-01-2026 1. Heard Mr. Sanjay Kumar, learned counsel for the
petitioner, learned APP for the State and Mr. Sanjeev Kumar
Mishra, learned Senior Advocate appearing on behalf of
opposite party no.2.

2. The instant application has been filed for quashing
of order dated 20.08.2020 passed by the learned Addl. Chief
Judicial Magistrate-XIV, Patna, whereby and whereunder the
learned Magistrate took cognizance against the petitioner in
connection with Gandhi Maidan P.S. Case No. 83 of 2020,
registered for the offence under Sections 406 and 420 of IPC



and Section 138 of N.I. Act

3. Learned counsel for the petitioner submits that earlier vide order dated 28.07.2025, the matter was sent to the Patna High Court, Mediation Center for reaching amicable settlement between the parties as the case involved issue of dispute over commercial transactions and a report of the Mediation Center is available on the record.

4. Upon mediation, a memorandum of agreement was reached between the parties in the Mediation Proceeding No.1104 of 2025 dated 17.10.2025 and a perusal of the same would indicate that parties have resolved their differences and the matter has been settled once and for all upon payment of amount of Rs.6,50,000/- (Rupees Six Lakhs Fifty Thousand Only) by the petitioner to the opposite party no.2.

5. Learned Senior counsel for the opposite party no.2 does not raise any objection to the criminal proceedings being quashed.

6. The issue with regard to quashing of criminal proceedings with respect to offences which are private in nature and do not have serious impact on society, wherein the settlement/compromise has been reached between the victim and the offender, has been settled by various judicial



pronouncements to the extent that even non-compoundable offence can be quashed by exercising the power under Section 482 Cr.P.C. In the case of ***Gian Singh Vs. State of Punjab*** reported in ***(2012) 10 SCC 303***, it had been held by the Hon'ble Supreme Court that if a dispute between the offender and the victim has been settled, although the offences are not compoundable, the same may be quashed by the High Court within the framework of inherent power upon coming to finding that continuation of such criminal proceedings would be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored. The guiding fact is securing the ends of justice and by not quashing such criminal proceedings, justice itself shall be casualty and the ends of justice shall be defeated.

7. The above mentioned legal position has been reiterated in the case of ***Naushey Ali vs. State of U.P.***, reported in ***(2025) 4 SCC 78*** wherein it has been observed that when the parties have amicably resolved the dispute, proceeding with the trial would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process of Court particularly when the dispute is settled and resolved.



8. In a very recent judgment in the case of ***Mange Ram Vs. State of Madhya Pradesh and Anr. [2025 INSC 962]*** and also in case of ***Suresh C. Singal & Ors. Vs. State of Gujarat & Ors. (Cr. Appeal No. 3862 of 2024)***, the Hon'ble Supreme Court has observed that criminal proceedings in cases involving an overwhelmingly civil character, arising out of a purely private transaction, where the parties have amicably resolved their dispute, ought not to be allowed to continue.

9. Thus, taking into consideration the fact that the matter has been settled between the parties and in view of the judgments of the Hon'ble Supreme Court as referred, the application is allowed and order dated 20.08.2020 passed by the learned Addl. Chief Judicial Magistrate-XIV, Patna in connection with Gandhi Maidan P.S. Case No. 83 of 2020, are hereby quashed.

10. Accordingly, the instant application is allowed.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

