

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23132 of 2016

Arising Out of PS.Case No. -30035 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

Vijay Kumar Agrawal, S/o Sri Shubhabhilashi Aggrawal, Managing Director, M/S Prism Cements Ltd, Resident of Rahejas, Main Avenue, V.P Road, PS Santacruz (W) Mumbai - 400054

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Kumar@Ramesh Kumar Sarda, S/o Sri Amar Chand Sarda, r/o Bajrangbali Chowk, P.S. Forbesganj, Distt Araria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate.
Mr. P.C. Agrawal, Advocate

For the State : Dr. Rabindra Kumar, A.P.P.

For the Opposite Party No.2 : Mr. Ajit Kumar Ojha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 31-08-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.04.2015 passed by learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 30035 of 2014 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other accused persons for the offences under Sections 406 and 418 of the Indian Penal Code.

2. Heard counsel for the petitioner, opposite party No. 2 and State.

3. Counsel for the petitioner has submitted that both



parties have mutually entered into settlement by intervention of people outside the court. The complainant now does not want to proceed with the case.

4. Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

5. It has been submitted on behalf of petitioner that in terms of compromise between the parties, petitioner has already paid Rs.21,51,000/- by Demand Draft to the complainant-opposite party No. 2 as mentioned in paragraph-4 of the supplementary affidavit.

6. Counsel for the opposite party No. 2 has submitted that opposite party No. 2 after entering into compromise with the petitioner does not intend to further pursue the criminal proceeding.

7. From the allegation in the complaint petition, this Court finds that the instant case has been filed on account of business dispute between the parties. The parties have now settled their dispute.

8. In such circumstances, continuance of criminal proceeding against the petitioner is only abuse of the process of law.

9. Therefore, the impugned order dated 16.04.2015 passed by learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 30035 of 2014 along with entire Criminal Proceeding with regard to petitioner is hereby quashed.



10. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07/09/2018
Transmission Date	07/09/2018

