
(2012) 10 JH CK 0081
In the Jharkhand High Court
Case No : Criminal M.P. No. 1881 of 2012

Amitabh Kamal

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 03-10-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 406, 420, 467, 468

Citation : (2013) 3 JLJR 605

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : I. Sinha and Bibhash Sinha, for the Appellant; P.A.S. Pati for the O.P. No. 2, for the Respondent

Judgement

Rakesh Ranjan Prasad, J.—Heard learned counsel appearing for the petitioner and learned counsel appearing for the opposite party No. 2 and also learned counsel appearing for the State. The order dated 13.8.2012 passed in connection with Lower Bazar P.S. Case No. 198 of 2012 whereby and whereunder cognizance of the offences punishable under Sections 467, 468, 469, 471, 472, 406, 420 and 120B of the Indian Penal Code has been taken is being sought to be quashed on the ground that the parties having settled their dispute have compromised the case.

2. Learned counsel appearing for the petitioner submits that accepting the entire allegations to be true, no case is made out so far offences under Sections 467, 468, 469, 471 and 472 is concerned as the petitioner has never been alleged to have committed any act of forgery and so far the offence under Sections 406, 420 and 120B is concerned, the parties have compromised the case and therefore, in view of the decision rendered in a case of Nikhil Merchant Vs. Central Bureau of Investigation and Another, and also in a case of Madan Mohan Abbot Vs. State of Punjab, the order taking cognizance be quashed.

3. Mr. Pati, learned counsel appearing for the opposite party No. 2 in presence of the informant submits that it is true that the parties have got their dispute

settled and have filed a joint compromise petition before the court below and here the same fact has been stated in the counter affidavit at paragraph 9.

4. Having heard learned counsel appearing for the parties, it does appear that the petitioner and other accused persons having accepted consideration money when neither did execute deed of registered sale nor possession of the land was given, a case has been lodged which was registered as Lower Bazar P.S. Case No. 198 of 2012 under Sections 467, 468, 469, 471, 472, 406, 420 and 120B of the Indian Penal Code but the said allegations do have overtures of civil dispute which is personal in nature and that the parties got their dispute settled and thereby a compromise petition has been filed and therefore, the order dated 13.8.2012 taking cognizance of the offences is hereby quashed, in view of the decisions rendered in a case of Nikhil Merchant vs. Central Bureau of Investigation and Another (supra) and also in a case of Madan Mohan Abbot vs. State of Punjab (supra). In the result, this application stands allowed.