

(2012) 01 JH CK 0041

In the Jharkhand High Court

Case No : Criminal Miscellaneous No. 7340 of 1999 (R)

Atin Banerjee and Others

APPELLANT

Vs

State of Bihar and another

RESPONDENT

Date of Decision : 05-01-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 420

Citation : (2012) 1 JCR 200

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Final Decision : Allowed

Judgement

R.R. Prasad, J.—Heard learned counsel appearing for the petitioners, learned counsel appearing for the Opp. Parties and learned counsel appearing for the State. This application is directed against the order dated 17.07.1999 passed in C/1 Case No. 507 of 1999 whereby and where under the cognizance of the offence has been taken under Sections 420/34 of the Indian Penal Code against the petitioners.

2. It appears that the Opp. Party No. 2 filed a complaint case bearing C/1 Case No. 507 of 1999 before the Chief Judicial Magistrate. Jamshedpur, alleging therein that the complainant had invested money of Rs. 1,00,000/- in the fix deposit account of "Lloyds Finance Ltd-" for a period of 12 months and 1 day, but after maturity, the said Company refused to pay the said amount with interest and, thereby, they committed offence under Sections 420/34 of the Indian Penal Code.

3. On such complaint, cognizance of the offence was taken against the petitioners. That order has been challenged to be bad in this application. Learned counsel appearing for the petitioners submits that during pendency of the application, the parties have settled their dispute amicably whereby the amount, which was due to be paid to the complainant, has already been paid, which

would be evident from the statement made in the counter-affidavit filed on behalf of the Opp. Party No. 2 and as per the statement made in the counter-affidavit, the complainant does not intend to press this complaint case.

4. Since, the parties have settled their dispute, it would be quite futile to allow the petitioners to face trial as there would be hardly any chances for securing conviction of the petitioners.

5. Accordingly, entire criminal proceeding of C/1 Case No. 507 of 1999 including order dated 17.07.1999 is hereby quashed. In the result, this application is allowed.