

(2011) 07 PAT CK 0036

In the Patna High Court

Case No : Criminal Miscellaneous No. 13593 of 2009

Dalip Jolly and Lalit Kumar Maheshwari, Assistant Manager,
Fena Private Ltd.

APPELLANT

Vs

The State of Bihar and Om Prakash Agarwal

RESPONDENT

Date of Decision : 12-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 257
Penal Code, 1860 (IPC) — Section 34, 418

Citation : (2011) 07 PAT CK 0036

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Anjana Prakash, J.—The Petitioners have prayed for quashing the entire proceeding including the order dated 16.08.2008 passed in Complaint Case No. 2705-C of 2007 by which the Judicial Magistrate, 1st class, Begusarai, has taken cognizance u/s 418/34 Indian Penal Code.

2. By order dated 22.05.2009, the opposite party No. 2 was noticed as to why this application be not allowed. On 28.10.2010 the matter was admitted for hearing and the opposite party No. 2 chose not to appear before the Court despite having entered his appearance. Today also the opposite party No. 2 has not bothered to assist this Court.

3. The simple argument advanced on behalf of the Petitioners before this Court is that now compromise has been arrived at between the parties and, therefore, on 24.06.2011, a joint compromise petition has been filed u/s 257 Cr. P.C. for withdrawal of the complaint. This document has been annexed as Annexure-8 to the supplementary affidavit.

4. Since the opposite party No. 2 has not appeared before this Court to dispute this contention, this Court is accepting the submission made on behalf of the

Petitioners. On this score alone, entire proceeding including the order dated 16.08.2008 passed in Complaint Case No. 2705-C of 2007 pending before the Judicial Magistrate, 1st class, Begusarai, is hereby quashed.

5. In the result, the application is allowed.