

**(2018) 01 JH CK 0044**  
**In the Jharkhand High Court**  
**Case No : 3585 of 2017**

Deen Dayal & Anr.

APPELLANT

Vs

The State of Jharkhand & Anr.

RESPONDENT

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**Date of Decision :** 04-01-2018

**Acts Referred:**

[Indian Penal Code, 1860](#), [Section 420](#),  
[Section 468](#), [Section 471](#), [Section 34](#),  
[Section 406](#), [Section 415](#) - Cheati

**Citation :** (2018) 01 JH CK 0044

**Hon'ble Judges :** Rongon Mukhopadhyay

**Bench :** Single Bench

**Advocate :** N. K. Pasari, Ram Prakash Singh, Kumar Sundaram

**Final Decision :** Allowed

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## Judgement

1. Heard Mr. N. K. Pasari, learned counsel for the petitioners, Mr. Kumar Sundaram, learned counsel for the opposite party no. 2 as well as Mr.

Ram Prakash Singh, learned A.P.P. for the State.

2. The petitioners in this application have prayed for quashing the entire criminal proceeding in connection with C. P. Case No. 113 of 2016

including the order dated 03.03.2017 passed by the learned Judicial Magistrate 1st class, Bokaro whereby and whereunder cognizance has been

taken for the offence punishable under Sections 406/415/420/468/471/34 of the I.P.C.

3. A complaint case was instituted in which it was stated that the petitioner no. 2 was the proprietor of Shree Shankar Industries Oil Mills,

Bharatpur, Rajasthan and was engaged in the business of sale and purchase of Mustard Oil and since during the pendency of purchase order, there

was an increase in the price of Mustard Oil, the petitioner no. 2 has cancelled the order of opposite party no. 2 in order to earn more profit. It has

been alleged that the accused no. 1 has filed the civil suit for recovery of an amount of Rs. 41,000/- and odds in terms of the letter dated

01.06.2015 which is the purchase order which the complainant has claimed was a fabricated document. It has thus been alleged that the accused

no. 1 in connivance with the petitioner no. 1 has forged and fabricated the letter dated 01.06.2015 and on the basis of the same, a complaint case

being C. P. Case No. 113 of 2016 was instituted. Upon conducting an inquiry, cognizance was taken under Section 406/415/420/468/471/34 of

I.P.C. After institution of the complaint case, good sense has prevailed and in pursuance of compromise having been entered into between the

petitioner and the opposite party no. 2 by a Memorandum of Understanding dated 03.06.2017, the learned counsel for the petitioners has

submitted that in view of the compromise so arrived at and in view of the supplementary agreement in which the opposite party no. 2 has decided

to withdraw the criminal proceeding against the petitioner, the criminal proceeding deserves to be quashed.

4. Mr. Kumar Sundaram, learned counsel for the opposite party no. 2 has echoed what has been stated by Mr. N. K. Pasari, learned counsel for

the petitioners and submitted that he does not have any grievance against the petitioner.

5. The MOU dated 03.06.2017 has been brought on record from which it appears that the dispute between the parties have finally been settled.

The supplementary agreement to the MOU cum compromise settlement dated 15.06.2017 has also been brought on record in which opposite

party no. 2 has agreed to withdraw all the cases initiated by him against Wind Advertising Pvt. Ltd. as well as Directors of Wind Advertising Pvt.

Ltd. In view of the compromise arrived at between the parties since the grievance of the opposite party no. 2 has already been redressed,

continuation of the criminal proceeding against the petitioner will be an act in futility.

6. Accordingly, in view of the compromise so arrived at, this application is allowed and the entire criminal proceeding in connection with C. P.

Case No. 113 of 2016 including the order dated 03.03.2017 passed by the learned Judicial Magistrate 1st class, Bokaro whereby and

whereunder cognizance has been taken for the offence punishable under Sections 406/415/420/468/471/34 of the I.P.C. is hereby quashed and set aside.