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**(2016) 02 JH CK 0172**  
**In the Jharkhand High Court**  
**Case No : Cri. M.P. No. 2185 of 2015**

Deepak Kumar

APPELLANT

Vs

State of Jharkhand and another

RESPONDENT

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**Date of Decision :** 25-02-2016

**Acts Referred:**

Negotiable Instruments Act, 1881 (NI) — Section 138, 147  
Penal Code, 1860 (IPC) — Section 420, 506

**Citation :** (2016) ACD 309

**Hon'ble Judges :** Rongon Mukhopadhyay, J.

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Rongon Mukhopadhyay, J. - Heard the parties.

2. The present application has been preferred for quashing the entire criminal proceeding in connection with Simdega P.S. Case No.121 of 2012, corresponding to G.R. No. 410 of 2012 including the order dated 26.08.2013, passed by the learned Chief Judicial Magistrate, Simdega, whereby and where under cognizance has been taken for the offence punishable under sections 420/506 of the Indian Penal Code and Section 138 of Negotiable Instruments Act.

3. Initially a complaint case was filed by the opposite party no. 2 with an allegation that on account of friendly relations, an amount of Rs.1 lac was given to the petitioner by the complainant and on demand a cheque was given by the petitioner amounting to Rs. 1 lac, which was subsequently dishonoured on account of insufficiency of funds. On the assurance of the petitioner, the cheque was once again deposited on 22.05.2012 but the same was again dishonoured resulting in institution of the case against the petitioner.

4. The complaint case was sent to the police for investigation under section 156(3) of Cr.P.C. resulting in institution of Simdega P.S. Case No. 121 of 2012.

5. Upon investigation, having found the allegations to be true, charge sheet was

submitted on 19.08.2013, pursuant to which, vide order dated 26.08.2013, the learned Chief Judicial Magistrate, Simdega was pleased to take cognizance for the offence punishable under sections 420, 506 of the Indian Penal Code and Section 138 of N.I. Act.

6. It has been submitted by the learned counsel for the petitioner that during pendency of the present application, good sense has prevailed between both the parties, on account of which, they have compromised the matter and the entire amount of Rs.1 lac, which was the subject matter of the dispute, has been returned back to the complainant/informant in two instalments on 13.10.2015 and on 8.2.2016. Learned counsel submits that in view of the compromise, which has been arrived at, the entire criminal proceeding deserves to be quashed and set aside.

7. Mr. Saket Kumar, learned counsel for O.P. No. 2, does not controvert the factum of compromise entered into between both sides and also does not have any objection if the criminal proceeding in connection with Simdega P.S. Case No.121 of 2012 is quashed.

8. Since the matter between the parties have been settled and amount of Rs.1 lac, which led to initiation of criminal case has been returned to the complainant and the case being purely of a private dispute between the parties, the entire criminal proceeding in view of the said compromise arrived at deserves to be quashed.

9. Accordingly, this application is allowed and the entire criminal proceeding in connection with Simdega P.S. Case No.121 of 2012, corresponding to G.R. No. 410 of 2012 including the order dated 26.08.2013, passed by the learned Chief Judicial Magistrate, Simdega, by which, cognizance has been taken for the offence punishable under sections 420/506 of the Indian Penal Code and Section 138 of Negotiable Instruments Act is hereby quashed and set aside.