
(2004) 12 PAT CK 0091

In the Patna High Court

Case No : Criminal Miscellaneous No. 28809 of 2002

Keshav Jayant Tiwary and Another

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 01-12-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2005) 3 PLJR 300

Hon'ble Judges : P.K. Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

P.K. Sinha, J.—This an application u/s 482 of the Code of Criminal Procedure (The Code", in short) for quashing the entire proceeding including order dated 29.8.1998 recorded in Complaint Case No. 1172(C) of 1998, cognizance of offence by the aforesaid order having been taken under various sections of the Penal Code, by the learned Chief Judicial Magistrate, Patna. Learned counsel for the petitioners, learned counsel for opposite party No. 2, the complainant and learned Additional Public Prosecutor have been heard.

2. The complaint relates to a transaction relating to grant of mobile phone connection. Apt it is to mention that the complainant himself filed a petition in the lower court, at Annexure-1, stating therein that the matter was reconciled between the parties, praying the court (Sub-divisional Judicial Magistrate, Patna, where the case was pending) to allow him to withdraw the complaint, and to dispose it of accordingly. That matter was heard and an order was passed by the learned lower court on 6.7.2002 (Anenxure-2) in which the prayer was rejected on the ground that the case was not summons triable, but warrant triable.

3. Today in course of arguments, learned counsel for the complainant (opposite party No. 2) also submitted that since the matter has been reconciled the complainant was no longer interested in prosecuting the complaint, hence

necessary order may be recorded. Learned Additional Public Prosecutor also agrees that no useful purpose would be served by allowing the prosecution to continue. When the matter has been reconciled between the parties and the complainant does not want to prosecute the case, continuance of the criminal proceeding in the trial court would amount only to the wastage of precious time of the court, particularly in a complaint case. In that view of the matter, this petition is allowed and the criminal proceeding arising out of Complaint Case No. 1172(C) of 1998 is hereby quashed.