

(2017) 02 PAT CK 0092

In the Patna High Court

Case No : Criminal Miscellaneous No.30328 of 2012 (Arising Out of PS.Case No. 964)

Santosh Kumar Singh

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 10-02-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138, Section 147
Penal Code, 1860 (IPC) — Section 418

Citation : (2017) 2 BLJud 167 : (2017) 2 PCCR 72

Hon'ble Judges : Rajendra Kumar Mishra, J.

Bench : Single Bench

Advocate : M/s. Janardan Prasad Singh, Senior Advocate and Arvind Kumar Singh, Advocate, for the Petitioner; Mr. M.N. Jha, A.P.P, for the State; Mr. Sanjay Kumar, Advocate, for the Opposite Party No. 2

Final Decision : Allowed

Judgement

Rajendra Kumar Mishra, J. (Oral)—Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel for the opposite party no. 2.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed for quashing the order dated 24.10.2011 passed in Complaint Case No.964(c) of 2011 by the court of Smt. Rashmi Prasad, Judicial Magistrate, First Class, Patna, summoning the accused-petitioner, on inquiry, under Section 204 of the Code of Criminal Procedure, finding prima facie case under Section 138 of the Negotiable Instruments Act and Section 418 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the financial dispute, as detailed in the complaint petition, in between the petitioner and the opposite party no.2 has already been settled by them out of the court.

4. Learned counsel for the opposite party no.2 also accepted the submission

made by the learned counsel for the petitioner.

5. Since there was financial dispute in between the petitioner and the opposite party no.2 and the same has already been settled by them, as such, the entire criminal proceedings and the impugned order dated 24.10.2011 passed by the court of Smt. Rashmi Prasad, Judicial Magistrate, First Class, Patna, in Complaint Case No.964(c) of 2011 is hereby quashed.

6. Accordingly, this application is allowed.