

(2014) 12 PAT CK 0093

In the Patna High Court

Case No : Criminal Miscellaneous No.26123 of 2009 (Arising Out of Complaint
Case No. 779 of 2006 Thana-Patna city District - Patna)

Surendra Prasad Sinha

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 09-12-2014

Acts Referred:

Citation : (2015) 1 BLJud 136

Hon'ble Judges : Ashutosh Kumar, J.

Bench : Single Bench

Advocate : Mr. A. N. Bishwas, Advocate, for the Petitioner; M/s Rudal Singh, Pramod Kumar and Mr. Rudradeo, Advocates, for the Opposite Party; Mr. Jharkhandi Upadhyay, APP, for the State

Final Decision : Allowed

Judgement

Ashutosh Kumar, J. (Oral) - Heard.

2. The petitioner had challenged the order dated 20.1.2009, passed by learned Judicial Magistrate, 1st Class, Patna City, whereby cognizance was taken under Sections 448, 323, 504 and 379 of the Indian Penal code.

3. It has been stated on behalf of the petitioner that he had also preferred a case against Opposite Party No. 2 under Section 138 of the Negotiable Instrument Act. That case ended in conviction of Opposite Party No. 2. The appeal preferred by Opposite Party No. 2 was also dismissed. Thereafter, Opposite Party No. 2 preferred a revision application and during pendency of such revision application the amount which was due as against the petitioner was paid by him. The revision application was thereafter admitted and the Opposite Party No. 2 was released on bail.

4. This application stood admitted by order dated 25.4.2012. I.A. No. 2103 of 2014, kept at flag "A" was pressed by the petitioner and supported by Opposite Party No. 2 during Course of hearing of this application.

5. It has been averred by the petitioner that pursuant to his having received money, which was due to him as against the Opposite party No. 2, he has chosen to compound the case with Opposite Party No. 2. The Opposite Party No. 2 is agreeable for giving a decent quietus to the proceedings of the complaint case, in which the petitioner is seeking relief.

6. Considering the fact that the parties have settled their differences and the present case was only a fall out of the case lodged by the petitioner against Opposite Party No. 2, this Court considers it desirable to put an end to the proceedings of the present complaint case.

7. The order dated 20.1.2009 is, therefore, set aside.

8. The application stands allowed.