
(2010) 09 PAT CK 0148
In the Patna High Court

Vikash S. Kasliwal and Sujit Barman

APPELLANT

Vs

The State of Bihar and Amit Vikram

RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 406, 420

Citation : (2010) 09 PAT CK 0148

Hon'ble Judges : Akhilesh Chandra, J

Bench : Single Bench

Judgement

Akhilesh Chandra, J.—Heard learned Counsel for the petitioners, Additional Public Prosecutor for the State and Sri Sanjay Kumar, learned Counsel for the opposite party No. 2.

2. This is an application u/s 482 of the Code of Criminal Procedure quashing of order dated 11.09.2002 passed by Sri O.P. Pandey, Judicial Magistrate, Patna in Complaint Case No. 1078(C) of 2002, taking cognizance for the offences under Sections 406, 420 and 120B of the Indian Penal Code

3. Undisputedly, opposite party No. 2 got the complaint case filed alleging some dispute relating to discharge of liabilities as per their business agreement and also some monetary loss at the hands of the petitioners.

4. By filing counter affidavit the complainant asserts that all the dispute with the petitioners have been resolved and money claim has been paid, so now no useful purpose shall be served. If the proceeding before the court below is continued, in support of the contentions memorandum of agreement dated 27th September, 2006 appears enclosed with the counter affidavit.

5. The learned members of the Bar are in agreement with the submission that any further continuation of the case shall be nothing, but abuse of process of law and sheer wastage of precious judicial time. Considering the above and finding no cogent reason to differ with the submissions, the impugned order is hereby

quashed and application stands disposed of.