

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39089 of 2023

Arising Out of PS. Case No.-386 Year-2023 Thana- PATLIPUTRA District- Patna

1. Mamta Agrawal, Wife of Hemant Kumar Das, aged about 48 years R/o 504/A, White House Apartment, Buddha Marg, P.S.- Kotwali, District Patna 800001.
2. Chanakya Vishnugupta Son of Shri Krishna Chaitanya Jaiswal R/o Flat No.- 301, Sumitra Enclave, Road No.- 8B, Rajendra Nagar, P.S.- Kadamkuan, District Patna 800016, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neeraj Agarwal Son of Bal Mukund Agarwal R/o Road No.- 15, Phulwari, P.S.- Phulwarishariff, Dist.- Patna, Atuthorised representative of M/s Pinax Steel Industries Pvt. Ltd. Having its office at VII/1 and 2, Industrial Estate, P.S.- Patliputra, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal
For the Opposite Party/s	:	Mr. Rabindra Kumar, A.P.P.
For the O.P. No.2	:	Mr. Amarjit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

Date : 16-10-2023

Heard learned counsel for the petitioners;
learned A.P.P. for the State along with learned counsel for
the O.P. No.2.

2. The learned counsel for the petitioners
submits that the present quashing application has been filed
seeking quashing of the FIR being Patliputra P.S. Case No.
386 of 2023 dated 12.05.2023, registered under Sections
406, 420, 504, 506 and 120B of the Indian Penal Code. The
learned counsel next submits that the aforesaid F.I.R. was



instituted by the Opposite Party No.2 herein, it is next submitted that the offences are compoundable and the parties have entered into a compromise dated 20.09.2023 ('Annexure-P/6' to the supplementary counter affidavit). The learned for the Opposite Party No.2 does not object to the submissions of the learned counsel for the petitioners but submits that in the compromise dated 20.09.2023, three conditions were there out of which two conditions have been fulfilled by the petitioners but the third conditions which was with respect to withdrawal of Complaint Case No. 4801 of 2023, pending in the Court of learned C.J.M, Patna which was instituted by the petitioners against the Opposite Party No.2 till date has not been withdrawn though in the compromise it was clearly recorded that the petitioners will withdraw the said case also.

3. The learned counsel for the petitioners submits that the next date fixed in the Complaint Case 4801 of 2023 pending in the Court of learned C.J.M, Patna is 03.11.2023 and on the said date the said complaint case shall be positively withdrawn by the petitioners, since the parties have compromised and the learned counsel for



petitioners, on behalf of the petitioners, have undertaken before this Court that Complaint Case No. 4801 of 2023 pending in the Court of learned C.J.M, Patna shall be withdrawn on 03.11.2023 in terms of the compromise dated 20.09.2023, as such, the F.I.R. being Patliputra P.S. Case No. 386 of 2023 dated 12.05.2023 registered under Sections 406, 420, 504, 506 and 120B of the Indian Penal Code, is hereby quashed.

4. In the event if the petitioners violates the undertaking given before this Court that petitioners will withdraw the Complaint Case No. 4801 of 2023 pending in the Court of learned C.J.M., Patna in that event the Opposite Party No.2 shall be at liberty to bring the said fact to the notice of the Court.

5. The quashing application is thus allowed.

(Satyavrat Verma, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.10.2023
Transmission Date	N.A.

