

Ajay Kumar Vs. State of Jharkhand and anr

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Court : Jharkhand

Decided On : Sep-23-2013

Appellant : Ajay Kumar

Respondent : State of Jharkhand and anr

Judgement :

In the High Court of Jharkhand at Ranchi Cr.M.P. No.1632 of 2013 Ajay KumarPetitioner VERSUS State of Jharkhand and another Opposite Parties CORAM: HONBLE MR.JUSTICE R.R.PRASAD For the Petitioner: Mr. Anil Kumar For the State : A.P.P For the O.P.No.2: Mr.S.K.Pandey 2/ 23.9.13. Heard learned counsel appearing for the petitioner and also learned counsel appearing for the State as well as learned counsel appearing for the opposite party no.2. The entire criminal proceeding or Complaint Case No.1435 of 2010 including the order dated 7.9.2011 passed by the then Sub-divisional Judicial Magistrate, Ranchi is being sought to be quashed on the ground that the parties got their monetary dispute settled. It is the case of the petitioner, who happens to be the complainant of the case that he had given a sum of Rs.40,000/- to the opposite party no.2 to deposit in its account but the opposite party no.2 did not deposit the same rather misappropriated it. On such allegation, a complaint was lodged as Complaint Case No.1435 of 2010 in which cognizance of the offence was taken, vide order dated 7.9.2011. However, thereafter the parties got their monetary dispute settled and therefore, an application was filed for withdrawal of the case which was not allowed by the court and that

necessitated filing of this case. Learned counsel appearing for the opposite party no.2 admits that the matter has been compromised. The dispute which gave rise to this case seems to be personal in nature never involves any public policy and therefore, it never appears to be in the interest of justice to allow the opposite party no.2 to be prosecuted when the parties got their monetary dispute settled. Accordingly, entire criminal proceeding of Complaint Case no.1435 of 2010 including the order dated 7.9.2011 taking cognizance is hereby set aside. In the result, this application stands allowed. (R. R. Prasad, J.) ND/

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