

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12781 of 2012

Arising Out of PS.Case No. -782 Year- 1999 Thana -Jakkanpur District- PATNA

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1. Lalan Kumar Jha S/O Shri Hadeo Jha
2. Smt. Rita Jha W/O Shri Lalan Kumar Jha
3. Chandra Mohan Jha S/O Shri Hardeo Jha
4. Indu Rani Jha W/O Shri Chandra Mohan Jha, all Resident Of Ghospara, P.S-
Uttarpara, District- Harat (W.B)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shri R.K. Singh S/O Late Ajit Kumar Singh Resident Of Bihta Kothi, Mohalla-
Mithapur, P.S- Jakkanpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. U. Kumar, APP
For Opposite Party No.2 : Mr. Bimal Kumar II, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

The Petitioners seek quashing of the order of cognizance dated 27.8.1999 passed by the court of Shri Bibi Singh, Judicial Magistrate, 1st class, Patna in Complaint case No.782C of 1999.

The case of the Complainant is that he had given 2 lacs rupees to the accused persons but they did not return the same for a long time. Subsequently cheques to the tune of Rs.1,21,500/- was disbursed but the cheque was dishonoured on account of paucity of fund.

It has been submitted that subsequently a compromise petition was filed on behalf of the Complainant submitting therein that

he had received draft of Rs.1,50,000/-, details of which were given in the compromise petition, and after which he had no grievance with any of the accused persons.

It has been submitted on behalf of the Complainant that he has stated in the Complaint Petition that 2 lacs rupees had been paid and, therefore, the dispute was with regard to Rs.2 lacs and not Rs.1,50,000/- as mentioned in the Complaint Petition.

However, since there was documentary proof only with regard to the amount mentioned in the Compromise Petition, which has now been returned, the application is allowed and the entire proceedings including the order of cognizance dated 27.8.1999 passed by the court of Shri Bibi Singh, Judicial Magistrate, 1st class, Patna in Complaint case No.782C of 1999 are hereby set aside.

(Anjana Prakash, J)

Narendra/-

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