

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8435 of 2012

Arising Out of Complaint Case No. 3415(C) Year- 2007 District- PATNA

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Balan Natural Food (Pvt.) Ltd. through its General Manager (HR & Administration)
Mr. P.S. Jayant At Singapura Village, Vidyaranyapura Post, Bangalore.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ashwani Kumar Singh, S/O Shri Haridayal Singh, Resident Of R/F-254 Lohiya Nagar, P.S.- Kankarbagh, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.K. Verma, Adv.

Mr. B.B. Sinha, Adv.

For the State : Smt. Meena Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 11.12.2008 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 3415(c) of 2007.

The case of the Complainant is that he entered into an agreement with the Company of the Petitioner for supply of food products. Security money was deposited with the Petitioner's firm but they did not carry out the terms of the agreement on account of which he suffered a huge loss. Till date, they have not returned the security money got deposited by them.

The submission of the Petitioner is rightly that even

conceding the allegation in the Complaint petition, no criminal offence is made out. If at all there is a breach of any agreement, said breach is of purely civil nature.

On the other hand, the counsel for the Complainant submits that non refunding of security money is a criminal offence.

In the facts of the case mentioned above, I would be inclined to accept the submission so raised on behalf of the Petitioner.

Hence, the application is allowed and the entire Proceeding including the order of cognizance dated 11.12.2008 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 3415(c) of 2007, is hereby set aside.

However, the quashment of the Proceedings shall have no bearing on the claim of the Complainant.

(Anjana Prakash, J)

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