

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 7878 of 2012

Arising out of P.S. Case No. -2466(C) Year- 2008 Thana –
Complaint Case District- PATNA

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Bharat Singh Poonia, Son of late Naurang Ram Poonia, Resident of
41, Industrial Area, Phase-I, Panchkula (Haryana).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ravi Shukla, Commercial Officer of the Company posted at Patna
having the authority to represent the Company in the present
complaint petition through Sadhika Sugandh Limited having its
Corporate and Finance Office at Budha Colony, P.S.-Budha
Colony, Town and District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-11-2015

The Petitioner seeks quashing of the order of
cognizance dated 18.03.2009 passed by the Chief Judicial
Magistrate, Patna in Complaint Case No. 2466(C) of 2008.

The case of the Complainant is that it is a registered
Company whereas the Petitioner is proprietor of M/S C.D.
Enterprises, 41, Industrial Area, Phase-1, Panchkula,
Haryana. The Petitioner assured the Complainant that he
would work as C & F agent of the Company and the
Complainant could start expansion in the Panchkula Region.
Relying on the said assurance the Company invested in the
market but the accused persons deposited only Rs.
2,00,000/- despite agreement to deposit Rs. 15,00,000/-

When protests were made by the Complainant the Petitioner came to Patna and threatened and assaulted him and, hence, the present Complaint.

It has been submitted on behalf of the Petitioner that from the facts of the Complaint Petition the dispute appears to be commercial in nature and is not covered within a criminal forum. The original dispute has been clothed with false allegations of threat and assault so as to ensure a quick settlement.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the facts of the Complaint Petition from which it is apparent that no offence of cheating or misappropriation is made out and rest are mere embellishments, the entire proceeding as against all the accused persons including the order of cognizance dated 18.03.2009 passed by the Chief Judicial Magistrate, Patna in Complaint Case No. 2466(C) of 2008 is, hereby, set aside without prejudice of the right of the parties.

The Application stands allowed.

(Anjana Prakash, J.)

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