

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26567 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- PATNA

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Arun Kumar, S/o Binda Singh, Prop: M/s Suruchi Finance, 4th
Floor, 209, Adharshila Complex, South Gandhi Maidan, P.S.-Gandhi
Maidan, District-Patna. Petitioner/s

Versus

1. The State of Bihar.
2. Jainendra Kumar, S/o Shri Krishna Sharma, Resident of
Shahpura Kurji, P.S.-Naubatpur, District-Patna. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Adv.

For the Opposite Party/s : Md. Mustaque Alam, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioner seeks quashing of the order of
cognizance dated 18.10.2008 passed by the Judicial
Magistrate, 1st Class, Patna in Complaint Case No. 257(C)
of 2008.

The case of the Complainant is that he was
approached by the Petitioner in January, 2005 to
transact business with him. He started doing so on his
representation and deposited a certain amount of money.
However, the transaction did not work and, hence, he
asked for return of his money at which it was refunded
but there was certain interest amount which was still to
be paid and hence the Complaint.

Counsel for the Petitioner submits that even

conceding the allegations no criminal offence is made out in view of the counter-claims.

Having considered the aforesaid aspect of the matter, the entire proceeding including the order of cognizance dated 18.10.2008 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 257(C) of 2008 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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