

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7437 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

Saregama India Limited Thru.Tony Paul

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Adv.
Mr. Sanjay Kumar Mishra, Adv.
Mr. Umesh Pathak, Adv.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

No one appears on behalf of the O.P. no. 2.

The petitioner seeks quashing of the order of cognizance dated 22.03.2006 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 1207 C of 2005.

The case of the complainant is that he had started transacting his business with the accused persons on certain terms but the accused company subsequently refused to honour the same and hence the present complaint.

It has been submitted on behalf of the petitioner that evidently in the facts of the case a clear commercial dispute is made out and no ingredient of criminal offence is present in the facts of the case.

On going through the complaint petition, I would be

inclined to agree with the submissions so raised on behalf of the petitioner. Hence the application is allowed and the order of cognizance dated 22.03.2006 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 1207 C of 2005 is hereby set aside.

(Anjana Prakash, J)

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