

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50036 of 2008

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

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Ajit Kumar Dubey son of Shri Ramesh Kumar Dubey, resident of Mohalla
Nayachak Buriya Kali Asthan, Ishakchak, P.S. Ishakchak, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Ashan Nuri, son of late Aslam Nuri, resident of Mohalla Mir Tola, P.S. and
District Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. M. Rab, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

No one appears on behalf of the Opposite Party No.2 on
repeated dates.

The Petitioner seeks quashing of the order of cognizance
dated 17.6.2006 passed by the court of Sri A.K. Singh, J.M., 1st class,
Saharsa in Complaint case No.120C of 2006.

The case of the Complainant is that he was a proprietor
of a firm, in course of which he entered into some transaction with the
Petitioner, who was a dealer of cosmetic products. In course of such
transaction he decided to buy an auto pick up van, for which the
Opposite Party No.2 gave a demand draft of Rs.75000/-. However, he
found that the pick up van was in a very bad condition at which the
Petitioner was sent a legal notice but he did not reply.



It has been submitted that initially a First Information Report vide Saharsa P.S. case No.127 of 2005 was instituted which ended in a final report with a recommendation that the Informant be proceeded under the provisions of Sections 182 and 211 I.P.C. Subsequently it is on a protest petition that the court took cognizance. It has further been submitted that even conceding the allegations made in the First Information Report no criminal offence is made out since when there is an admission that there was dealings between the two in course of which all transactions had taken place, it would at best be a bad business dealing and nothing more.

Considering the aforesaid, the application is allowed and the order of cognizance dated 17.6.2006 passed by the court of Sri A.K. Singh, J.M., 1st class, Saharsa in Complaint case No.120C of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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