

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44134 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Vinay Kumar Sharma @ Binoy Sharma son of late Ramdeo Sharma Manager M/s Enterprises Johu near Equipment Bank Road P.S. Chhatauni Motihari.
 2. Manoj Singh @Manoj Kumar Singh son of Rajeshwar Singh resident of village Belwa Bijulpur P.S. Marsidhi District East Champaran.
 3. Bayash Mishra son of Baidnath Mishra R/o village Mushhari P.S. Chanpatia at present Machanic U.K. Enterprises besides of Hotel Kishan Supriya Cinema Road Bettiah West Champaran.
 4. Mithilesh Sharma son of Paras Sharma Machanic U.K. Enterprises besides of Hotel Kishan Supriya Cinema Road Bettiah West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anand Rai son of Late Rajnandan Rai resident of village Rampurwa Mahnawa P.S. Majhoulia Dist. West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

The petitioners seek quashing of the order of cognizance dated 23.09.2011 passed in Tr. No. 1940 of 2011 by the Judicial Magistrate, Bettiah arising out of Complaint Case No. 3095 of 2010.

The case of the complainant is that he wanted to purchase a tractor upon which the Petitioner no. 3 induced him to do so from his shop. He also offered that he would help in registration, insurance and procurement of other relevant papers for which he took a sum of Rs. 18,000/-. However, he failed to fulfill such promise despite having accepted the amount.

On the last occasion notices were issued to the O.P. No. 2 but despite service of notice upon counsel appearing on behalf of the O.P. No. 2 none appeared.

From the petition file herein, I find that the date of occurrence was 03.11.2010 but the complaint was instituted on 18.11.2010. On going through the complaint petition it appears that the allegation with regard to assault and threat are superfluous and the rest of the allegations appear to be merely in respect to a breach of promise which is not a criminal offence. Hence the application is allowed and the order of cognizance dated 23.09.2011 passed in Tr. No. 1940 of 2011 by the Judicial Magistrate, Bettiah arising out of Complaint Case No. 3095 of 2010, is hereby quashed.

(Anjana Prakash, J)

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