

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41140 of 2008

Arising Out of Complaint Case No.430 Year- 2007 District- GAYA

=====

1. Manorma Kumari, wife of Binay Kr. Singh
2. Binay Kumar Singh, son of late Ranbijay Singh
Both permanent residents of village and post office Bhurkunda, P.S. Goh, Distt. Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh, son of Sri Rajbali Singh, resident of village Dubhal, P.S. Magadh Medical College, Distt. Gaya at present resident of Mohalla Chanakyapuri Colony Town Gaya, P.S. Rampur, Distt. Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : None.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

No one appears on behalf of the Parties.

The Petitioners seek quashing of the order of cognizance dated 13.6.2007 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. 430 of 2007.

The case of the Complainant is that the Petitioner had taken loan of Rs.40,000/- and later on returned the same by Cheque which was dishonored.

It has been submitted on behalf of the Petitioners that in fact, the Petitioners and the Complainant were in business relationship but when the Petitioner No. 1 got a job as a Panchayat Teacher, she

shifted to Aurangabad and in her absence the Complainant used the signed cheque which was lying with him and instituted the present case.

In any view of the matter when the Petitioner No. 1 has already deposited Rs.40,000/- in the Court below without prejudice to her case, the Prosecution be quashed.

It has been noted in the order dated 30.3.2010 by this Court that Rs.40,000/- had already been deposited by the Petitioner No. 1.

Be that as it may, in view of the nature of allegation and petty amount, the order dated 13.6.2007 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. 430 of 2007 is hereby set aside.

The application is disposed off with liberty to the Complainant to withdraw the amount so deposited by the Petitioners if he has not done so already.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--