

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2626 of 2010

Arising Out of PS.Case No. 888 Year- 2009 Thana -null District- PATNA

Nilesh Klumar Jha @ Nilesh Jha son of Sri Hem Chandra Jha, resident of vill./Moh. Rajeev Nagar Road No.14, P.S. Rajeev Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Singh, Proprietor of M/s New Mame Saheb, Kaveri Ashiyana road, P.S. Rajeev Nagar, Distt. Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate

For the Opposite Party/s : Mr. N.N. Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

The Petitioner seeks quashing of the order of cognizance dated 15.5.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.888C of 2009.

The case of the Complainant is that he started to do business with the accused persons, for which he gave a security cheque of Rs.2,50,000/- to the co-accused. In course of business certain goods were supplied but the business went bad and, therefore, the Complainant wanted return of his cheque. The accused did not do so despite legal notice and hence the present Complaint.

It has been submitted on behalf of the Petitioner that in the entire Complaint Petition there is no allegation with regard to the Petitioner of any financial transaction having taken between them. He

was a clearing agent and had no direct business with the Complainant.

On many occasions notices had been issued to the Opposite Party No.2 but he has failed to appear.

Considering the nature of allegations against the Petitioner, the application is allowed and the proceeding including the order of cognizance dated 15.5.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.888C of 2009 is hereby set aside so far as the Petitioner is concerned.

(Anjana Prakash, J)

Narendra/-

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