

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11983 of 2009

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

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1. DCM Financial Seviles Ltd.
 2. Vivek Bharat Ram
 3. Om Prakash Gupta S/o late Bhagwati Prasad

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunaina Dubey W/o Late Ganesh Dubey

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey. APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

No one appears on behalf of the petitioners .

The petitioners seek quashing of the order of cognizance dated 02.03.2005 passed by the Judicial Magistrate, Patna in Complaint Case No 18C of 2005.

The case of the complainant is that he had invested in a fixed deposit scheme of the company of the petitioner as per which he was to get interest at a certain rate. However, on maturity he found that the interest amount was not paid.

It has been submitted that even conceding the allegation at best a financial dispute is made out and the Delhi High Court has noticed the petitioners to convene a meeting of the unsecured creditors. In view of such submission, in my understanding, the present complaint would be multiplicity of the proceeding. Hence the

application is allowed and the order of cognizance dated 02.03.2005 passed by the Judicial Magistrate, Patna in Complaint Case No 18C of 2005 is hereby set aside.

However, it is clarified that this Court has not verified the claims of the complainant

(Anjana Prakash, J)

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