

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 13676 of 2009**

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

Dr.Ejazul Hassan

.... .... Petitioner/s

Versus

The State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md.Kamil Akhtar, Adv.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 13-07-2015**

The petitioner seeks quashing of the order of cognizance dated 25.04.2008 passed by the S.D.J.M, West Muzaffarur in Complaint Case No. 352 of 2008 under Sections 138 of N.I Act and 406 and 420 of the Indian Penal Code.

The case of the complainant is that he had agreed to purchase the landed property of the petitioner as per which they entered into an agreement. However, the petitioner did not hand over the possession of the land nor initiate process of registration. When the complainant asked him to return money he issued a cheque but it was dishonoured.

It has been submitted on behalf of the petitioner that all these allegations are oral in nature and the complainant has not even annexed the cheque.

Having considered that there is no material in support the allegation, the application is allowed and the order of cognizance dated 25.04.2008 passed by the S.D.J.M, West Muzaffarur in Complaint Case No. 352 of 2008 is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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