

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10034 of 2009

Arising Out of Complaint Case No. 473C Year- 2008 District- MUNGER

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1. Praveen Katiyar @ Pravin Kumar, son of Sri Sharvesh Chandra Katiyar, Area Sales manager, Muzaffarpur, Parle Product Pvt. Ltd., nihal Lubristic Pvt. Ltd., Durga Asthan, Gola Road, Muzaffarpur, P.S. Kaji Mohammadpur, Distt. Muzaffarpur.
 2. Sanjeev Kumar @ Sanjeev Singh, son of Sri Umesh Singh, Sales Representative of Parle Pvt. Ltd., munger Area, Muner, resident of Logestic Parisad Road, Gobarsahi, P.S. Bhagwanpur, Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar Agrawal, son of Gangadhar Agrawal, Proprietor Agrawal Traders, Bara Bazar, P.S. Kotwali, Distt. Munger.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 5565 of 2009

Arising Out of Complaint Case No. 473C Year- 2008 District- MUNGER

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1. Sharad P. Chouhan, son of Pitamber M. Chauhan, Managing Director.
 2. Ajay V. Chouhan, son of Vijay K. Chauhan, Executive Director
 3. Arup S. Chouhan, son of Sharad P. Chauhan, Executive Director
- All are resident of Parle Products Private Limited and Parle Biscuit Work Pvt. Ltd., north Level Crossing, Villey Parle East, Mumbai.
4. Rajeev Selot, son of late Sri Krishna Selot, Regional Sales Manager, Parle Product Pvt. Ltd., Plaza City No. 33/38, Flat No. 106, Local Shopping Centre Kalkajee, New Delhi. 19.
 5. Ranu Jain, son of Sri Padam Chandra Jain, Assistant Sales Manager (present). All resident of Parle Product Pvt. Ltd. and Parle Biscuit Pvt. Ltd., Pankaj Palaza Site No., 34/38, Flat No. 106, 206, Local Shopping Centre, Kalkapi, New Delhi
 6. Praveen Katiyar @ Pravin Kumar Katiyar, son of Sri Sharvesh Chandra Katiyar, Area Sales manager, Muzaffarpur, Parlet Product Pvt. Ltd., Nihar Lubristic Pvt. Ltd., Durga Asthan, Gola Road, Muzaffarpur, P.S. Kaji Mohammadpur, Distt. Muzaffarpur.
 7. Sajjan Kumar @ Sajan Kumar Sah, son of Chandra Prasad Sah, Sales Representative, Munger Area, till the year 2003-2006, Now in Purnea
 8. Sanjeev Kumar @ Sanjeev Singh, son of Umesh Singh, Sales Representative, Munger Area
- All resident of Parle Product Pvt. Ltd. And Parle Biscuit Pvt. Ltd., Lojestic Parisadan Road, Gobar Sahi, Muzaffarpur.
9. Alok Soundik, son of Sri Rohit Prasad, Depo Incharge, M.R. Enterprises, Parle Product Pvt. Ltd., Mahuli Road, Karmali Chak, Begampur, Patna City, P.S. – Bye Pass, Distt. Patna.
 10. A.D. Naik, son of Dattaram Naik, Distribution Manager, Parle Product Ltd., and Parle Biscuit Ltd., Nirlaun House, 5th Floor, T-54, B. Dr. Ani Besent Road, Mumbai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar Agrawal, son of Gangadhar Agrawal, Proprietor Agrawal Traders, Bara Bazar, P.S. Kotwali, Distt. Munger.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 10034 of 2009)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Dr. D.N. Tiwari, Adv.

For the State : Mr. M.N. Jha, A.P.P.

(In Cr.Misc. No. 5565 of 2009)

For the Petitioner/s : Mr.
Mr. D.N. Tiwari

For the State : Mr. Ajay Mishra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

No one appears on behalf of the Opposite Parties.

The Petitioners seek quashing of the order of cognizance dated 21.6.2008 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 473C of 2008 under Section 504, 406, 420 and 409 of the Indian Penal Code.

The case of the Complainant is that the accused Praveen Katriyar came to him and requested the Petitioners to do business with him. The Complainant accepted the proposal after which the accused came with A. D. Nayak. On 17th February, 1995. The relationship of the Company with the Complainant was good till February, 2002. However, later on, the Company started creating some disputes in regard to supply and payment of money on account of which he

suffered a loss of Rs. 4,71,000/-.

It has been submitted on behalf of the Petitioners that even conceding the allegation in the Complaint petition, no criminal offence would be made out and if at all there was business dealing in course of which some differences arose, they would not be criminally culpable.

Having gone through the Complaint petition enumerated above, I would be inclined to accept that in the facts of the Complaint petition, no criminal offence is made out.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 21.6.2008 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 473C of 2008 under Section 504, 406, 420 and 409 of the Indian Penal Code, is hereby set aside.

(Anjana Prakash, J)

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