

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30676 of 2011

Arising Out of PS.Case No. 3469 Year- 2010 Thana -null District-
WESTCHAMPARAN(BETTIAH)

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1. Smt. Ameeta Verma @ Ameeta Kumari Verma W/O Late Anand Kumar Verma,
Resident Of Mohalla- Christian Quarter, Near Dargah, Back Side Of Santaresa
Girls High School, P.S.- Bettiah Town, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sayyed Faij Ahmad S/O Sayyed Murtuja, Resident Of Mohalla- Mirja Tola, P.S.-
Bettiah Town, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

For Opposite Party No.2 : Mr. Birendra Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-02-2015

The Petitioner seeks quashing of the order of cognizance
dated 16.5.2011 passed by the Judicial Magistrate, 1st class, Bettiah,
District West Champaran in Trial No.1616 of 2011 arising out of
Complaint case No.3469C of 2010.

The case of the Complainant is that the Petitioner with her
husband came to the house of the Complainant and requested for a
friendly loan for certain amount of money, upon which an agreement
dated 25.1.2010 was drawn between the parties. The Petitioner signed
as a witness on the said document. Later on, the husband of the
Petitioner gave a cheque to the Complainant, which was dishonoured

for paucity of the amount. It was then a legal notice was sent and the present Complaint was filed.

It has been submitted on behalf of the Petitioner that there is no doubt that an agreement was drawn into between the parties, on which the Petitioner had signed as a witness. Apart from being a witness to the financial transaction she was nowhere in the actual acceptance of the money from the Complainant nor is she responsible for dishonour of the cheque and hence the present proceeding as against her should be set aside.

On the other hand, the Counsel for the Complainant submits that since the Petitioner was a witness on the said document, which was entered into between her late husband and the Complainant, evidently she being the wife was also responsible for his acts. In absence of the husband, who is now dead, the wife should take responsibility for returning the same.

Having considered the facts of the Complaint, evidently in my view so far the Petitioner is concerned, no criminal liability is made out as against her.

Hence, the application is allowed and the proceeding so far as the Petitioner is concerned including the order of cognizance dated 16.5.2011 passed by the Judicial Magistrate, 1st class, Bettiah, District West Champaran in Trial No.1616 of 2011 arising out of Complaint

case No.3469C of 2010 is hereby set aside.

However, the quashment of the present proceeding shall have no bearing on any other claims.

(Anjana Prakash, J)

Narendra/-

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