

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35121 of 2012

Arising Out of PS.Case No. -575 Year- 2012 Thana -null District- PATNA

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1. Jitendra Kumar Goel, S/O Late M.M. Goel, R/O 14, Jawahar Nagar, P.S.-
Galshahid, District- Muradabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajnish Kumar, S/O Late Pramod Kumar Choudhary, Proprietor of M/S Fair
Deal Agencies, 0/77, Doctor Colony, Kankarbagh, P.S.- Patrakar Nagar, Town
And District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal, Advocate

For the Opposite Party/s : Md. Faiz Ahmad, Advocate

APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-02-2015

1. The Petitioner seeks quashing of the order of cognizance dated 02.07.2012 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.575-C of 2012.

2. The case of the Complainant is that he started dealing with the Company of the Accused No.1 and was appointed as Distributor. He was assured that no other person would be appointed as Distributor in the State of Bihar. Initially, the business went on well but later on the Company started supplying sub-standard and damaged medicines on account of which he suffered loss of about ten and half lac. He also appointed another Distributor in the State of Bihar despite specific assurance in this regard.

3. It has been submitted on behalf of the Petitioner

that even conceding the entire allegation in the Complaint Petition apart from the grievance that business transaction had gone bad, there is no ingredients of any criminal offence in the Complaint Petition.

4. On the other hand counsel for the Complainant submits that since the Petitioner had caused loss to him in the transaction and hence, he should be put on trial.

5. Having gone through the facts of the Complaint Petition details of which has been mentioned above, I would be inclined to hold that no criminal offence is made out.

6. Hence, entire proceeding including the order of cognizance dated 02.07.2012 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.575-C of 2012, is hereby set aside.

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

8. The application stands allowed.

(Anjana Prakash, J)

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