

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 34530 of 2012

Arising out of P.S. Case No. -941 Year- 2011 Thana -
Complaint District- SASARAM (ROHTAS)

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Satyendra Singh @ Satyendra Narayan Singh, Son of Late
Sudarshan Singh @ Late Gopal Singh, R/o Village-Bakhorapur, P.O.
Bakhorapur, Police Station-Barhara, Ara Distirct-Bhojpur, Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jitendra Singh, Son of Munni Singh, Resident of Village-Bihta,
P.O. Bihta, P.S. -Imadpur, District-Bhojpur, Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. U.S. Singh, Adv.

For the Opposite Party/s: Mr. A.K. Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

The Petitioner seeks quashing of the order of
cognizance dated 12.10.2011 passed by the Judicial
Magistrate, 1st Class-cum-7th Additional Munsif, Sasaram
in Complaint Case No. 941 of 2011.

The case of the Complainant is that he was the
petty contractor of the Petitioner who had assured him to
pay the construction cost at the rate of 50%. However,
even though work was satisfactorily completed by him
payments were not made so legal notice was sent. The
Petitioner assured that by July 2011 the money would be
paid. On a certain date the Petitioner along with five
unknown persons went to his residence and gave a
cheque of Rs. 5,00,000/- and requested him to return the
agreement paper which the Complainant did after which

one of the accused persons snatched the cheque and all fled away.

It has been submitted on behalf of the Petitioner that evidently the dispute between the parties was merely to the extent of payment of money and the rest of the allegations are embellishments only to somehow coerce the Petitioner into settlement.

On the other hand, Counsel for the Complainant submits that even though the initial relation-ship between the parties was civil in nature but subsequently the Petitioner acted in a manner which he did and, hence, he should be prosecuted for the same.

Having gone through the facts of the case and the submissions raised, I would be inclined to hold that that the allegations have been added only to ensure a compromise in the financial dealings.

Hence, the proceeding as against the Petitioner including of the order of cognizance dated 12.10.2011 passed by the Judicial Magistrate, 1st Class-cum-7th Additional Munsif, Sasaram in Complaint Case No. 941 of 2011 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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