

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40994 of 2012

Arising Out of PS.Case No. -772 Year- 2010 Thana -null District- SAMASTIPUR

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1. M/S Zenith Credit Limited, a Company incorporated under the provisions of Companies Act, 1956, having its registered Office at 19, R.N. Mukherjee Road, Kolkata, through its Director Gajanand Sharma, son of late Hanuman Sharma, resident of 19, R.N. Mukherjee Road, P.S. Hare Street, District Kolkata,
 2. Niraj Kumar Pandey, son of Shri Lakshmi Kant Pandey, resident of village Jasa, P.O.- Bisara, P.S. Bindyachal, Dist. Mirzapur (U.P.)
- Petitioner/s

Versus

1. The State of Bihar,
 2. Pappu Prasad Singh, son of Janardan Prasad Singh, resident of village- Devdha, P.S.- Hassanpur, District- Samastipur
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Mishra, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

1. The Petitioners seek quashing of the order of cognizance dated 28.11.2011 passed by the Judicial Magistrate, 1st class, Rosera, in C.R. No.772 of 2010/T.R.No.1629 of 2012.

2. The case of the Complainant is that he had purchased a passenger Taxi from a Financer and the Petitioner No.2 was his agent. The Accused persons did not reconcile the payments made by him in their book of accounts and started to take action against him.

3. It has been submitted on behalf of the Petitioners

that when the Complainant defaulted in repayment of loan, action was sought to be taken against him and in retaliation he filed the present case in his defence. At best, it is a case of non-reconciliation of book of accounts and not a criminal offence.

4. Having considered the aforesaid, the order of cognizance dated 28.11.2011 passed by the Judicial Magistrate, 1st class, Rosera, in C.R. No.772 of 2010/T.R.No.1629 of 2012, is hereby set aside.

5. The application stands **allowed**.

(Anjana Prakash, J)

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