

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6198 of 2010

Arising Out of PS.Case No. 441 Year- 2009 Thana -null District- PATNA

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1. M/S Bhelloriya Welfare Organisation, Bhelloriya Street (Middle lane), Gaya, P.S. Kotwali, Dist. Gaya, through Shri Devendra Kumar Bhelloriya, Director of Organisation, resident of Ramdhanpur Bhelloriya Street (Middle lane), Gaya, P.S. Kotwali, Dist. Gaya
 2. Shri D.K. Bhelloriya @ Shri Devendra Kumar Bhelloriya son of Shri R.N. Singh, resident of Bhelloriya Street (Middle lane), P.S. Kotwali, Dist. Gaya
 3. Shri Jitendra Kumar son of Shri R.N. Singh, resident of Lakshmi Nagar, P.S. Lakshmi Nagar, New Delhi
 4. Smt. Nirmala Sinha daughter of Bali Ram Sinha, resident of village Balia, P.S. Guraru, Dist. Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Union of India through the Regional Director, Department of Company Affairs Kolkotta
3. Registrar of companies Bihar and Jharkhand Maurya Lok Complex, 4th floor, Block A, Dak Banglow road, Patna 800001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No.1, APP
Mr. Md.Abu Haider, Advocate
Mr. Gopesh Kumar, CGC

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-09-2015

The Petitioners seek quashing of the order of cognizance dated 21.12.2009 passed by the Special Judge, Economic Offences, Patna in Complaint case No.441C of 2009.

The case of the Complainant is that a Company had been set up for philanthropic purposes but they had not filed their annual return as required under the Act.

The submission of the Petitioners is that even though the

organization had been set up since there was financial crunch they could not proceed and no notice of the above letters was given by the Registrar and later on the present frivolous Complaint was filed.

Having considered the aforesaid facts, the application is allowed and the proceeding including the order of cognizance dated 21.12.2009 passed by the Special Judge, Economic Offences, Patna in Complaint case No.441C of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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