

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41857 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Morepen Laboratories Limited, Regd. Office Morepen Village, Malkamazra Nalagarh Road, Near Baddi District- Solan Himachal Pradesh And Its Corporate Office At 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi- 110001 Through Its Authorized
 2. Mr. Sushil Suri, Chairman & Manager At Patna C-40, Anand Niketan, New Delhi
 3. Mr. Manoj Joshi, Director B-6/64, Safdargung, Enclave, New Delhi
 4. Mrs. Mamta Suri, Director C-40, Anand Niketan, New Delhi
 5. Mr. P.S. Pritam, Director 4th Floor, Antriksh Bhawan, 22, Kg Marg, New Delhi- 110001

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shri S.M. Tarique S/O Md. Jsmail Mohalla- Pirbahore, 3rd Floor, Opp. P.U. Library, Mahendru, P.S.- Pirbahore, Patna- 800006

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-05-2015

The petitioners seek quashing of the order of cognizance dated 05.06.2006 passed in Complaint Case No. 1351C of 2006 by the Sub-Divisional Judicial Magistrate, Patna.

The case of the complainant is that he had invested huge amount of money in the company but he was not given the advantage of the schemes as promised.

The submission of the petitioners is that the matter had gone before the Debt Recovery Tribunal, New Delhi where the

company had paid the entire amount to the complainant and hence there is no reason for continuance of the present prosecution.

In view of such submissions, notices had been issued to the O.P. No. 2 but despite several attempts the complainant has chosen not to appear before this Court.

Considering the submissions of the petitioners and Annexure 2, which is an application filed on 25.08.2007 on behalf of the complainant for withdrawal of the complaint, the application is allowed and the order of cognizance dated 05.06.2006 passed in Complaint Case No. 1351C of 2006 by the Sub-Divisional Judicial Magistrate, Patna, is hereby quashed.

(Anjana Prakash, J)

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