

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31682 of 2012

Arising Out of PS.Case No. -2788 Year- 2010 Thana -null District- MUZAFFARPUR

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Sharat Kumar son of late Akhouri Vinay Kumar resident of B/91 Housing Colony
Kankarbagh P.S. Kankarbagh District Patna

.... Petitioner/s

Versus

1. State of Bihar.
2. Anuranjan Kumar son of Vijay Kumar Sharma Proprietor of M/S Ganpati
Enerprises.

.... 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: 17-04-2015

The petitioner seeks quashing of the order of cognizance dated 23.04.2011 passed by the Judicial Magistrate 1st Class, Muzaffarpur in Complaint Case No. 2788 of 2010 under Sections 323 and 504 of the Indian Penal Code.

The case of the complaint is that he was the proprietor of M/s Ganpati Enterprises and his firm was appointed distributor by the Bajaj Corp Ltd for Muzaffarpur District. Later on when the accused no. 6 joined the Bajaj Corp Ltd. he started disturbing his business later the complainant's claim was not settled so he sent a legal notice to them where after his distributorship was terminated and a new distributor was appointed. Being aggrieved with such an act of the company when complainant went to meet the petitioner he along with

other co-accused assaulted and abused him.

It has been submitted on behalf of the petitioner that the allegations in the complaint petition not only appear absurd but also leveled for reasons to sort out the business dealings between the two companies through a short-cut method. The allegations with regard to abuse and assault are embellishments with a view to drag them in a criminal case.

On the other hand counsel for the complainant submits that since the incumbents had acted in an illegal manner they should be put on trial.

On considering the background of the business dealing of the parties which went sour, I would be inclined to hold that the allegation with regard to assault and abuse is unbelievable and frivolous. Hence, the application is allowed. The order of cognizance dated 23.04.2011 passed by the Judicial Magistrate 1st Class, Muzaffarpur in Complaint Case No. 2788 of 2010 is hereby quashed against all the accused .

However, this order shall have no bearing in any manner to the claims of the parties.

(Anjana Prakash, J)

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