

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49702 of 2012

Arising Out of PS.Case No. -1102 Year- 2010 Thana -null District- MUZAFFARPUR

1. Suresh Bhagat S/O Shri Ram Saroj Bhagat, R/O Village - Narsanda, P.S. Kanti,
District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ranjeet Bihari S/O Late Prem Rai, R/O Mohalla - Krishna Toli Chandni Chowk,
P.S. Brahampura, District - Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Petitioner seeks quashing of the order of cognizance dated 19.11.2011 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.1102 of 2010.

The case of the Complainant is that it is the Petitioner and he had transacted a sale agreement but thereafter the Petitioner refused to execute the sale deed despite receipt of money.

It has been submitted on behalf of the Petitioner that Annexure-2 reveals that in fact after the parties retracted from the sale agreement the Petitioner returned the money to Complainant but very conveniently he penned through the same and instead at the bottom wrote that, since the payment was not made, the agreement to sale

was being nullified.

On the last occasion notices had been issued to the Opposite Party No.2 to enable him to explain this disparity in the document filed by him in the Court below and that which was original. However none appears on his behalf.

Having considered that even conceding the allegations in the Complaint Petition no criminal offence would be made out against the Petitioner, the application is allowed and the proceeding including the order of cognizance dated 19.11.2011 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.1102 of 2010 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--