

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 12882 of 2011

Arising out of P.S. Case No. -798C Year- 2009 Thana –
Complaint Case District- MUNGER

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1. Raj Kishore Gupta.
 2. Nand Kishore Prasad.
 3. Gopal Prasad. All sons of Kanhaiya Lal Swarnkar.
 4. Archana Devi, W/o Raj Kishore Gupta. All resident of Mohalla-
Garden Bazar, Near R.S.S. Officer, Ward No. 28, P.S. Kotwali,
District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramchandra Yadav, Son of Late Saryug Yadav, Resident of
Shadipur Yadav Tola, P.S.-Kotwali, District-Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-06-2016

The Petitioners seek quashing of the order dated 08.03.2011 passed by the Additional Sessions Judge, F.T.C.-V, Munger in Cr. Rev. No. 182 of 2010 by which it has confirmed the order dated 03.06.2010 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 798C of 2009 by which it has ordered to issue summons for appearance of the Petitioners to face trial.

The case of the Complainant is that the accused persons had borrowed a certain amount of money which he gave through cheque but later on when he requested refund of the amount they refused and, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that the Complainant has already filed Money Suit No. 13 of 2009 and, therefore, there was no cause for him to file Complaint for the same cause of action.

On the other hand, the Complainant submits that since the Petitioners deprived him of huge amount of money they should be put on trial.

Having considered that the present Complaint is a multiplicity of proceedings, the order dated 08.03.2011 passed by the Additional Sessions Judge, F.T.C.-V, Munger in Cr. Rev. No. 182 of 2010 by which it has confirmed the order dated 03.06.2010 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 798C of 2009 is, hereby, set aside without prejudice to the right of the parties.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
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