

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.4449 of 2011**

Arising Out of Complaint Case No.3867 Year 2009 District- PURNIA

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1. Lalit Chandak, s/o Madan Chandak
  2. Prabha Ranka, w/o Santosh Ranka
- Both are resident of Khushkibagh, Station Road, P.S. Sadar, Distt. Purnia.
3. Ram Nath @ Ram Nath Maskara, s/o Satya Bhagwan Maskara, Manager, Wood Chemical Industries, resident of Khushkibagh, P.S- Sadar, District- Purnia.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Shahid Akhtar 2 Memnaje, s/o late Khalid Hussain, resident of Madhopara, V.I.P. Colony, P.O- Purnia, P.S- K. Hat, District- Purnia.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jagdish Pd. Bhagat, Adv.  
For the State : Mr. P. Mehta, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 16-05-2016**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 4.10.2010 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Purnia, in C.A. No. 3867 of 2009.

The case of the Complainant is that he along with the accused persons had set up an Industry at Purnea according to which the percentage of share was allocated. However, despite the Company having earned a certain amount of profit, he was not paid his due as per the agreement. He had also to pay the electricity bills since the Company was situated at Purnea. He, therefore, alleged that he had

been caused a lost of Rs.7,52,257/- between the year 1994-96.

It has been submitted on behalf of the Petitioners that evidently, the dispute is with regard to financial accounting between two partners and there is absolutely no criminal element in the transaction.

On the other hand, the counsel for the Complainant submits that since the accused persons cheated him of such a huge amount of money, they should be put on Trial.

Having considered the nature of allegations against the Petitioners in the Complaint petition and complete paucity of any ingredient of a criminal offence, the application is allowed and the Proceeding including the order of cognizance dated 4.10.2010 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Purnia, in C.A. No. 3867 of 2009 without prejudice to the right of the Parties, is hereby, set aside.

**(Anjana Prakash, J)**

S.Ali/-

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