

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16521 of 2013

Arising Out of PS.Case No. -24 Year- 2004 Thana -MAHUA District- VAISHALI(HAJIPUR)

1. Umakant Singh, S/O Late Ram Chandra Singh, resident of village - Chack-Mahammad, P.O. and P.S. - Desri, Dist - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sulekha Kumari, W/O Sri Sanjay Kumar, resident of mohalla - Malighat, P.S. - Mithanpura, Dist - Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

The Petitioner seeks quashing of the order of cognizance dated 01.04.2011 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in Mahua P.S. Case No.24 of 2004.

The case of the Informant is that she was appointed as Agent in a Non-Banking Company in which course several persons had deposited the money in the Head Officer, Hajipur. Later, the Complainant got married and, therefore, she resigned from the Company. Later on, Branch Office at Mahua was also closed. She tried to get the money of the depositors returned from the Head Office which was not done and, therefore she instituted the case on their behalf.

It has been submitted that not a single depositor has come forward to complain that they did not get the maturity amount. The Complainant herself was one of the persons managing the affairs of the non-banking institution and in order to evade any prosecution showing her liability on account of non refund of the amount she instituted the present case without any justification. Further submission is that there is absolutely no material against the Petitioner in the entire investigation.

Notice had been issued to the Opposite Party No.2, but none appears on her behalf.

In view of vague nature of allegation, entire proceeding including the order of cognizance dated 01.04.2011 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in Mahua P.S. Case No.24 of 2004 is hereby quashed.

The application stands **allowed**.

J.Alam/-

(Anjana Prakash, J)

AFR/NAFR	NAFR
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