

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12787 of 2011

Arising out of P.S. Case No. -3283(C) Year- 2010 Thana –
Complaint District- PATNA

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1. Satish Kumar Jain, S/o Shri Sant Kumar Jain, Resident of BL-64, Shalimrbagh (West), P.S.-Saraswati Vihar, Delhi.
 2. Pramod Kumar Jain, S/o Sudarshan Kumar Jain, Resident of A-80, Saraswati Vihar (1st/2nd Floor), P.S.- Saraswati Vihar, Delhi.
- Petitioner/s

Versus

1. The State of Bihar.
2. Vijayan T.N. S/o Neelakandan, C/o Sunil Kumar Sinha, Resident of Devi Asthan, Mo. Shekhpura, P.S.-Shastri Nagar, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal, Adv.

For the Opposite Party/s: Mr. R.B. Roy "Raman" APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-06-2016

The Petitioners seek quashing of the order of cognizance dated 31.01.2011 passed by the Chief Judicial Magistrate, Patna in Complaint Case No. 3283(C) of 2010.

The case of the Complainant is that he was a retired Army personnel who became unfit after he became handicapped and was relieved from service in February, 2010. When he wanted to invest his retiral benefits the accused persons came in his contact and cheated him of a huge amount on the pretext of getting him some land. After repeated entreaties the accused persons did not return the money instead threatened and assaulted him.

It has been submitted on behalf of the Petitioners

that even conceding the allegations no offence whatsoever is made out.

It appears that the complaint is based on oral allegations without any supporting documentary material and it is impossible to believe that such a huge amount would be given to the accused persons without any written agreement. It is also probable that the accused persons who were residents of New Delhi would travel to Patna only to cheat the Complainant.

Having considered the absurd nature of allegations, the entire proceeding as against all the accused persons including the order of cognizance dated 31.01.2011 passed by the Chief Judicial Magistrate, Patna in Complaint Case No. 3283(C) of 2010 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
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