

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22048 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Jyotsna Arora wife of Sri Ashok Arora
 2. Richa Arora, daughter of Ashok Arora (wife of Sri Dheeraj Piplani)
 3. Achal Arora son of Ashok Arora
 4. Lubha Narad wife of Achal Arora, all are resident of House No.324, Housing Board colony, Gurgaon, Police Station Gurgaon, District Gurgaon, Haryana

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar son of late Raja Ram
3. Mrs. Kiran Shiv Kumar wife of Sri Shiv Kumar, both resident of House No.1/29, Viveka Nand Marg, North S.K. Puri, Police Station S.K. Puri, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd.Sinha, Sr. Advocate

Mr. Anand K.Ojha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

For Opposite Parties 2 & 3 : Mr. Surendra Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-01-2016

The Petitioners seek quashing of the order of cognizance dated 20.12.2005 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2544C of 2005.

The case of the Complainants is that all the accused persons had introduced themselves as Directors/partners of a registered firm, namely, M/s Surya Investment Consultancy and induced the Complainant for financial assistance. They assured that the Complainants would get 18% interest on his deposits. Later the accused persons issued post dated cheques in favour of the

Complainants and some others but when they were presented, they were dishonoured.

It has been submitted on behalf of the Petitioners that they had no concern with M/s Surya Investment Consultancy and there was no reason for them to have induced the Complainants to invest in their company nor is there any allegation that the Petitioners had issued any cheque, which was dishonoured.

On the other hand, the Counsel for the Complainant submits that since the Petitioners were office bearers of the company, they should all be prosecuted.

Having considered that there is no personal culpability of the Petitioners in the transaction nor is there any allegation that it was any of the Petitioners who had issued the cheques, the application is allowed and the proceeding including the order of cognizance dated 20.12.2005 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2544C of 2005 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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