

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 41638 of 2010

Arising out of P.S. Case No. -659(C) Year- 2010 Thana –
Complaint Case District- PATNA

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Sanjeet Rai @ Sanjeet, Sales Manager, HBL Global Pvt. Ltd. and Son
of Shri Jitendra Kumar Sinha, Resident of House No. A-2796, 2nd
Floor, Left Side, Greenfield Colony, Faridabad, Haryana-121003.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sureshwar Prasad, Son of Sri Sarjug Mahto, Mohalla-Math
Laxmanpur (Koiri Tola), P.O. Guljarbag, P.S.-Alamganj, Distt.-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

No one appears on behalf of the Opposite Party

No. 2.

The Petitioner seeks quashing of the order of
cognizance dated 13.09.2010 passed by the Judicial
Magistrate, 1st Class, Patna City, Patna in Complaint
Case No. 659C of 2010.

The case of the Complainant is that he used to
work in HBL Global Private Limited as Executive and his
salary and incentive to the tune of Rs. 1,00,000/- became
due. When he asked the Sales Manager of the Company
about the dues he got enraged and thereafter sent some
accused persons and two unknown persons threatened

him as also attacked him on 11.07.2010.

It has been submitted on behalf of the Petitioner that he was working in the Company as Sales Manager with M/s HBL Global Pvt. Ltd. having its registered Office at Mumbai and he himself is a resident of Delhi. In fact, the dispute arose on account of termination of the services Complainant. Being so enraged he instituted the Complaint falsely against the persons who themselves were employees of the company. In fact, the Complainant had also filed a Labour Case bearing LA No. 245 of 2010 which was dismissed on 07.10.2010. In such circumstances, the Complaint appears to be frivolous and deserves to be set aside.

Having gone through the facts of the case, I am inclined to agree with the submission so raised and the entire proceeding including the order of cognizance dated 13.09.2010 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 659C of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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