

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 26817 of 2010

Arising out of P.S. Case No. -1929C Year- 2004 Thana –
Complaint Case District- PATNA

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1. Ashok Arora, Son of Late Rattan Chand Arora,
2. Jyotsna Arora, Wife of Sri Ashok Arora,
3. Achal Arora, Son of Sri Ashok Arora,
4. Lubha Arora, Wife of Achal Arora,
5. Richa Arora, Daughter of Sri Ashok Arora (Wife of Sri Dheeraj Piplani). All resident of House No. 324, Housing Board Colony, Gurgaon, Police Station Gurgaon, District-Gurgaon, Haryana.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madan Gopal, Son of Late R.B. Choudhary, Resident of Flat No. 202, Shree Apartment, S.P. Verma Road, Police Station-Kotwali, Patna-800001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Akhileshwar Pd. Singh, Sr. Adv.
Mr. Anand Kumar Ojha, Adv.
Mr. Ashok K. Karna, Adv.

For the Opposite Party/s: Mr. Surendra Kumar, Adv.

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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 06.09.2004 passed by the Sub-divisional Judicial Magistrate, Patna in Complaint Case No. 1929(C) of 2004.

The case of the Complainant is that he had invested huge amount of amount in the Company of the Petitioners by way of shares but he did not get the desired benefits and alleged the Petitioners misappropriated his investments.

It has been submitted on behalf of the Petitioners

that they have been implicated only because they are relatives of Satyapal Arora and there is no specific complicity of the Petitioners in absence of which their prosecution is unjustified.

On the other hand, Counsel for the Complainant submits that the Petitioners had cheated him so they should be put on trial.

Having considered that there can be no vicarious liability in such cases, the entire proceeding as against all the accused persons including the order of cognizance dated 06.09.2004 passed by the Sub-divisional Judicial Magistrate, Patna in Complaint Case No. 1929(C) of 2004 is, hereby, set aside without prejudice to the right of the parties.

The Application stands allowed.

(Anjana Prakash, J.)

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