

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21867 of 2010

Arising Out of Complaint Case No. 1251C Year 2009 District- PATNA

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Ramkrishna Gupta, son of Sri Jugal Bihari Gupta, Director Vikrant Chemico Industries Pvt. Ltd. 49, Govt Of Industrial Kalpi Road, P.S Fazal Ganj, Kanpur-20801 (U.P.)

.... Petitioner/s

Versus

1. The State Of Bihar
2. M/S Shanti Traders through its Manager Sanjeev Priyardarsi, C/C 78, P.C Colony, Kankarbagh P.S-Kankarbagh, Distt. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

For the State : Mr. D.P. Tiwary, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-01-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 29.6.2009 passed by the Judicial Magistrate, 2nd Class, Patna, in Complaint Case No. 1251(c) of 2009.

The case of the Complainant is that he was running his business in the name of Shanti Traders at Kankarbagh and was stockist and CNF agent of some companies of food products, phenyl and other articles. At one point in time, the Complainant was induced by the Petitioner to work as a CNF agent and Super Stockist for his Company. He agreed to the proposal and purchased a number of articles from them, but, the Petitioner never took pains to market the goods which were of sub-standard quality and did not adhere to the terms of agreement. A good amount of money was lying with the Petitioner and, hence, he claims

that the Petitioner had cheated him.

It appears from the petition filed herein that the Complainant had merely been issued a letter to appoint Distributors and Dealer on behalf of the Company, but, had not signed on any agreement. It was only subsequently that an agreement was entered into after which there was satisfactory business transaction between the two. Only later, for some reasons, the business dealing went bad and, hence, the present Complaint was filed without invoking arbitration clause.

On the other hand, the counsel for the Complainant submits that since the Petitioner had defrauded him of huge amount of money which he had invested in the Company and had not worked as per the assurances, he should be put on trial.

Having gone through the Complaint petition and solemn affirmation, I am unable to discern any ingredients of a criminal offence.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 29.6.2009 passed by the Judicial Magistrate, 2nd Class, Patna, in Complaint Case No. 1251(c) of 2009, is hereby, set aside.

(Anjana Prakash, J)

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