

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21534 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. State of Bihar
2. Mr. Madan Gopal, son of late R.B. Chaudhary, resident of Flat No.202 Shree Apartment, S.P. Verma road, P.S. Kotwali, Patna 800001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Sinha, Sr. Advocate
Mr. Anand K.Ojha, Advocate
Mr. Ashok K.Kana, Advocate

For the Opposite Party/s : Ms. Anuradha Kumari, APP

For Opposite Party No.2 : 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 11.11.2004 passed by the Sub Divisional Judicial Magistrate, Patna in Complaint case No.2279C of 2004.

The case of the Complainant is that all the accused persons had introduced themselves as Directors/partners of a registered firm, namely, S. Pal and company and induced the Complainant to invest in the Company. They assured that the Complainant would get 21% interest on his deposits. Later the accused persons issued post dated cheques in favour of the Complainant 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 S. Pal & company and hence there was no reason for them to have induced the Complainant to invest in their company nor is there any allegation that the Petitioners had issued any cheque, which stood 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 liability of the Petitioners and there is no allegation that it is any of the Petitioners had issued the cheques, the application is allowed and the proceeding including the order of cognizance dated 11.11.2004 passed by the Sub Divisional Judicial Magistrate, Patna in Complaint case No.2279C of 2004 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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