

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6108 of 2013

Arising Out of PS.Case No. -1958 Year- 2007 Thana -PATNA COMPLAINT CASE District- -

Sanjeev Kumar Jha S/O Sri Ram Krishan Jha R/O B-12, Birla Colony, Near Shiv Mandir, P.S- Phulwari Sarif, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Anshuman Sharma S/o late Sri Vyas Deo

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

No one appears on behalf of the petitioner.

The petitioner seeks quashing of the order dated 21.01.2011 passed by the Additional Sessions Judge IX, Patna in Cr. Revision No. 776 of 2009 by which he has affirmed the order dated 11.08.2009 passed by the Judicial Magistrate, Patna in Complaint Case No. 1958C of 2007 by which he has refused to discharge.

The case of the complainant is that he was running a ready made garments business and he was approached by the accused persons to form a partnership business of Automobiles which he did and invested huge amount but the accused persons played foul with him and cheated and misappropriated his share.

It appears from the petition filed here that there is no doubt that partnership business had started on certain clauses and terms and if at all the complainant was dissatisfied with the affairs of the

company he had agreed to approach the proper forum but instead has filed a criminal case even though no criminal offence is made out in the nature of allegations.

On the last occasion notices had been issued to the Opposite Party no. 2 but none appears on his behalf.

Considering the aforesaid, the application is allowed and the order dated 21.01.2011 passed by the Additional Sessions Judge IX, Patna in Cr. Revision No. 776 of 2009 by which he has affirmed the order of none discharge dated 11.08.2009 passed by the Judicial Magistrate, Patna in Complaint Case No. 1958C of 2007, is hereby quashed.

(Anjana Prakash, J)

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