

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14301 of 2011

Arising out of P.S. Case No. -362 Year- 2009 Thana –Complaint
Case District- EASTCHAMPARAN (MOTIHARI)

=====

Shreesh Chandra Misra @ S.C. Misra, Son of Sri Chinta Mani Misra,
Presently posted as Member Services Department of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Krishna Devi, Wife of Sri Bal Khandi Tiwari, Resident of Pipra Jitwarpur, Police Station-Govindganj, District-East Champaran, Motihari.

.... Opposite Party/s

with

=====

Criminal Miscellaneous No. 35220 of 2011

Arising out of P.S. Case No. -362 Year- 2009 Thana –Complaint
Case District- EASTCHAMPARAN (MOTIHARI)

=====

Bishwa Mohan Patel, Son of Sri Nawal Kishore Prasad, Resident of
Mohalla-Belisarai, Q. No. Ty V/3, BSNL Colony, Motihari P.S. Town Thana,
District-Motihari, presently posted as Telecom District Manager, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Krishna Devi, Wife of Sri Bal Khandi Tiwari, Resident of Pipra Jitwarpur, Police Station-Govindganj, District-East Champaran at Motihari.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.14301 of 2011)

For the Petitioner/s : Mr. Ram Binay Singh, Adv.

For the Opposite Party/s: Mr. APP.

(In Cr.Misc. No.35220 of 2011)

For the Petitioner/s : Mr. Binay Kumar Singh, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The Petitioners seek quashing of the order of cognizance
dated 29.05.2010 passed by the Chief Judicial Magistrate, East
Champaran at Motihari in Complaint Case No. C- 362 of 2009 (Tr.
No. 3440 of 2010).

The case of the Complainant is that in response to an application for installation of a tower she approached and got information that the tower be installed on her land and, hence, she made arrangement for the same. However, later on the company changed its stand and caused loss to her and, therefore, the present Complaint.

It has been submitted on behalf of the Petitioners that no doubt the company had issued an advertisement but subsequently the tower was not installed. Being aggrieved with such proposal the Complainant instituted the present case but no criminal offence is made out.

On the other hand, Counsel for the Complainant submits that great monetary loss was caused to her and, therefore, the Petitioner should be put on trial.

Having considered that even conceding the allegation in the Complaint no criminal offence would be made out in the facts of the case, the entire proceeding including the order of cognizance dated 29.05.2010 passed by the Chief Judicial Magistrate, East Champaran at Motihari in Complaint Case No. C- 362 of 2009 (Tr. No. 3440 of 2010) is, hereby, set aside without prejudice to the right of the parties.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	X
Uploading Date	05.07.2016
Transmission Date	05.07.2016