

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46336 of 2014

Arising Out of PS.Case No. -789 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rajeev Kumar Son of Amarnath Jha
2. Amarnath Jha S/o Vishwanath Jha
3. Neelu Devi Wife of Amarnath Jha All resident of village -
Bhoorlakh,P.S. - Samastipur, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Priya Kumari D/o Awadhesh Prasad, Resident of Saketpuri, NEar
Bazar Samitee, P.S. Bahadurpur, District - Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Complainant : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhayay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the petitioners, learned
counsel for the complainant-Opposite Party No. 2 and learned
APP for the State.

Learned counsel for the parties are unanimous in
their submission that the reason for filing of the present case
was non-refund of the money which was paid by the father of
the complainant towards helping the accused no. 1 in his study
under a *bona fide* belief that accused no. 1 would marry
with the complainant. At this stage, the parties have already
settled their dispute. A counter affidavit has been filed on



behalf of the complainant-Opposite Party No. 2 categorically stating therein that her father has already received the entire amount of Rs. 16,25,753/- (Sixteen Lacs Twenty Five Thousand Seven Hundred Fifty Three only) by an account payee cheque no. 855014 and 855015. The payment has been acknowledged and amicable resolution of dispute has been affirmed in the affidavit.

The grievance of the complainant-Opposite Party No. 2 is in the nature of a personal grievance for which the present case was lodged in which by the impugned order dated 28.02.2013, learned Sub-Divisional Judicial Magistrate, Patna City took cognizance under Section 420 & 406 of the Indian Penal Code.

In view of the submissions made at the bar, this Court finds it a fit case to set aside the impugned order taking cognizance and issuance of summon.

The impugned order is, accordingly, set aside and this application is allowed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2017
Transmission Date	13.10.2017

