

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35516 of 2016

Arising Out of PS.Case No. -349 Year- 2015 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

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1. Shikha Devi wife of Ashok Kumar Suman
 2. Srawan Kumar Son of Late Hari Prasad
 3. Ashok Kumar Suman Son of Srawan Kumar All Resident of village and P.O. Kurmichak, P.S. Ghoswari, District- Patna, Presently resident of Mohalla Ghondipar, Patel Sewa Sadan, Makan Ward no. 6 P.O. + P.S. Barh, District- Patna
 4. Anuj Kumar @ Anuj Prasad Son of Late Balgovind Prasad resident of Village & Jahana, P.S.- Bind, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Arvind Prasad, Son of Sri Ayodhya Prasad, Village – Dayanandchak, P.O. Mallichak, P.S. Barbiga, District – Sheikhpura, presently reside at Mohalla – Sikshak Colony, Bangalipar, P.O. + P.S. Sheikhpura, District – Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 04-05-2017

Heard learned counsel for the petitioners and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the order dated 07.12.2015 passed by learned Judicial Magistrate, Ist Class, Sheikhpura in Complaint Case No. 349C of 2015, whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420, 468 and 120B of the Indian Penal Code.



The case of the complainant is that he entrusted Rs.4,22,000/- to the accused persons for installing four mobile towers but neither the towers were installed nor the money was refunded.

It is submitted by learned counsel for the petitioners that the accusation arising out of contractual nature of dispute between the parties. It is very fairly submitted by learned counsel for the petitioners that the evidence is going on at pre-charge level under Section 244 Cr.P.C.

In view of the present stage of the case, this Court is not inclined to interfere. Hence, this application is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

(Dinesh Kumar Singh, J)

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