

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31158 of 2014

Arising Out of PS.Case No. -3143 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Badri Prasad Yadav Son of Late Sitaram Yadav
2. Sangita Kumari Wife of Badri Prasad Yadav
3. Ajit Kumar Son of Badri Prasad Yadav
4. Ajay Kumar Son of Badri Prasad Yadav All are resident fo Mohalla- Pirmohani
Gali No. 3, near Devi Dayal High School, P.S.- Gandhi Maidan, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Ramanand Prasad Yadav Son of Late Sitaram Yadav Resident of Mohalla-

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Avinash, Advocate
For the Opposite Parties : Mr. A. Kumar, Advocate
For the State : Mr. Anish Chandra, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 04-07-2017

The petitioners have challenged the order dated 11.10.2012 passed by Judicial Magistrate, 1st Class, Patna in Complaint Case No.3143 (C) of 2011 whereby cognizance of the offence has been taken under Sections 406, 420, 120(B) of the Indian Penal Code.

2. Learned counsel appearing on behalf of the petitioners submits that the petitioners and complainant are relatives and they have falsely been implicated in this case. The cheque was given by the complainant to Mr. Ayal @ Arayan Ganguli, the Director of M/S Infinity Reabcon Ltd. and not to the petitioner no.1 and other



petitioners of this application are wife and sons of petitioner no.1.

3. Learned counsel for opposite party no.2 as well as Additional Public Prosecutor submit that there is specific allegation against the petitioners that they persuaded the complainant to make investment so their involvement is apparent in this case.

4. Allegation in brief as stated in the complaint is that petitioner no.1, Badri Prasad Yadav persuaded the complainant to make investment of Rs.6 lacs as advance for getting C.N.F. for installation of Mobile Towers in Patna. Invariably he used to visit his house along with his wife and sons; so believing Badri Prasad Yadav, the complainant gave a cheque of Rs.5,75,000/- to him issued in favour of Mr. Ayal @ Arayan Ganguli, the Director of M/S Infinity Reabcon Ltd. but no C.N.F. for installation of Mobile Tower was given to the complainant. Even money given by complainant was not returned back however after much persuasion accused no.1 Badri Prasad Yadav asked Rajiv Kumar; Accused No.6 to issue cheque in favour of the complainant in order to return back the money but cheques got bounced, so they have cheated the complainant.

5. Having considered the entire allegation as levelled in the complaint petition, a prima facie case is made out against the petitioner Badri Prasad Yadav, who persuaded the complainant to make investment by depositing 6 lacs in M/S Infinity Reabcon Ltd.



for doing business of installation of mobile tower thereafter complainant handed over him a cheque of Rs.6 lacs in favour of Mr. Ayal @ Arayan Ganguli, the Director of M/S Infinity Reabcon Ltd. However as far as petitioner nos.2 to 4 are concerned, they are wife and sons of Badri Prasad Yadav the petitioner no.1 against them there is just passing reference in the complaint that they used to come along with Badri Prasad Yadav at his house on regular basis and they also persuaded him for making investment. So considering the material on record no prima facie case of breach of trust and cheating is made out against petitioner nos.2, 3 and 4. So the cognizance order and subsequent criminal proceeding only against petitioner nos.2, 3 and 4, namely, Sangita Kumari, Ajit Kumar and Ajay Kumar is set aside.

6. Accordingly, this quashing application stands allowed in respect of petitioner nos.2, 3 and 4, namely, Sangita Kumari, Ajit Kumar and Ajay Kumar.

7. As far as the criminal proceeding against petitioner no.1, Badri Prasad Yadav is concerned; the same will proceed further, accordingly his prayer of quashing cognizance order is dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18-07-2017
Transmission Date	18-07-2017

