

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37841 of 2014

Arising Out of PS.Case No. -463 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Narendra Kumar son of Narayan Prasad Resident of Mohalla - Near Sankat
Mochan, Nawada, P.S. - Nawada, Dist. - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mobarak Hasan @ Shahansah son of Hazi Md. Shami Akhtar resident of
Mohalla - Muslim Road, Kasab Tola, Nawada, P.S. - Nawada, Dist. -
Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate
For the Opposite Party/s : Mr. Ram Naresh Rai (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner as well as the
learned counsel appearing on behalf of opposite party No. 2.

The petitioner has filed this quashing application under
Section 482 of the Code of Criminal Procedure, 1973 seeking
setting aside of order dated 15.05.2014 passed by learned Chief
Judicial Magistrate, Nawada in complaint case No. 463 of 2014
whereby he has taken cognizance of offences under Section 420,
406 and 504 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that the allegation leveled against the petitioner in the
complaint petition does not make out the case of cheating and



criminal breach of trust. The allegation in the complainant petition is that the complainant started business in partnership with the petitioner and there was loss in business and therefore this complaint case has been filed.

Learned counsel for the opposite party No. 2 submits that the petitioner had taken loan of 1,40,000/- from the complainant and did not return back, so prima facie case is made out.

Considering the allegation leveled in the complaint petition that both had started partnership business but the business was closed due to loss, so taking entire allegation in its entirety on its face value, no case of criminal breach of trust is made out.

Therefore the entire criminal proceeding including the cognizance order dated 15.05.2014 passed in complaint case No. 463 of 2014 is hereby set aside.

The application stands allowed.

(Arun Kumar, J)

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