

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25620 of 2014

Arising Out of PS.Case No. -921 Year- 2013 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Sunrise Picture Pvt. Ltd. represented by its Director namely, Abdul Samee Siddiqui S/o Late Abdul Gani Siddiqui, Office Address situated at 1-A-111 Royal Sand, behind Fame Adlab Road, Police Station Shashtri Nagar Andheri (West), District Munger-400053.

2. Abdul Samee Siddiqui S/o Abdul Gani Siddiqui Resident of 1-A-111 Royal Sand, Behind Fame Adlab Road, Police Station Shashtri Nagar Andheri (West), District Munger-400053.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shyam Bahdur Singh, proprietor of Sharda Chal Chitra S/o Late Shiv Barai Singh Resident of Kala Niketan, Chhoti Kelawari, P.O. Munger, Police Station Kotwali, District Munger-811201.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan
For the Opposite Party/s	:	Mr. Ramakant Sharma
		Mr. Laxmi Kant Sharma
		Mr. Rajesh Kumar
For the State	:	Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 31-07-2017

This criminal miscellaneous application has been filed to quash the order dated 31.10.2013 passed by the learned Chief Judicial Magistrate, Munger in Complaint Case no. 921C of 2013 whereunder the learned C.J.M. finding *prima facie* case for the offence under Sections 120-B, 406 and 420 of the IPC and Section 138 of the N.I. Act, ordered for summons the petitioners.

2. Heard Mr. Sanjeev Ranjan, learned counsel for the petitioners,



Mr. Ramakant Sharma, learned counsel for the O.P. no. 2 and Mr. Humayu Ahmad Khan, APP for the State.

3. It has been submitted that in course of business transaction, the petitioners had issued two cheques in favour of O.P. no. 2 for an amount of Rs. 20 lacs. Both the cheques bounced when presented in Bank on account of insufficient fund. Consequently, the present case was filed and cognizance of offence was taken. The dispute between the parties is purely a civil dispute which has been settled. The petitioners have already paid the said amount of Rs. 20 lacs to the O.P. no. 2 as per settlement and agreement between the parties. The petitioners have paid an amount of Rs. 20 lacs as per bankers cheque/ pay order no. 23609 and 23610 dated 31.08.2015 and 01.09.2015 respectively, each for an amount of Rs. 10 lacs. In support of their contention, they have filed Memorandum of Understanding and certificate of Bank showing deposit of Rs. 20 lacs to the credit of the O.P. no. 2 as per annexures enclosed with supplementary affidavit. The O.P. no. 2 does not dispute this fact. The dispute between the parties cropped in business transaction which is purely a civil dispute and the same has been settled by the parties. The criminal prosecution of these petitioners, in such circumstance, would amount an abuse of the process of the Court.

4. In the facts and circumstances of the case, the order



31.10.2013 passed by learned Chief Judicial Magistrate, Munger in Complaint Case no. 921(C) of 2013 is quashed and the Cr. Misc. application is allowed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2017
Transmission Date	03.08.2017

