IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20430 of 2014

Arising Out of PS.Case No. -265 Year- 2013 Thana -NOONSARAI District- NALANDA (BIHARSHARIFF)

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Anil Kumar @ Rohit Kumar son of Late Mahendra Prasad resident of Village - Prahlad Nagar, P.S. - Noor Sarai and District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakesh Kumar son of Chotelal Yadav resident of Village - Prahlad Nagar, P.O. Daruara, P.S. - Noor Sarai and District - Nalanda.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mohammed Abu Haidar, Advocate
Md. Abu Shajar, Advocte
For the informant : Mr. Satya Prakash
For the State : Mr. Shantanu Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 25-08-2017 Heard learned counsel for the petitioner and the State.

From perusal of the petition it appears that the dispute is primarily with regard to return of the money borrowed by the petitioner from the informant.

Counsel for the petitioner submits that the petitioner has already returned the amount.

There is growing tendency of filing criminal case for the purpose of pressuring the parties in the commercial transaction and the Supreme Court has deprecated this exercise.

In the peculiar circumstances the Court is of the view that the dispute with regard to commercial transaction or

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borrowing loan and non-payment thereof, is precisely a civil dispute for which filing of criminal case and giving colour of criminal act is an abuse of the process.

In the totality of the fact situation when the parties have remedy by way of filing money suit for recovery of their respective dues, filing of criminal case is evidently an abuse of the process of law.

Accordingly, the application is allowed and the order taking cognizance dated 9.12.2013 passed in G.R. No. 4630, Noor Sarai P.S. Case No. 265 of 2013 is hereby quashed.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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