

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40817 of 2014

Arising Out of PS.Case No. -92 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Yogendra Mishra S/o Late Laxman Mishra, resident of Hanuman Garhi
Sareya, Ward No. 5, P.O. & P.S. & District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Suresh Singh S/o Late Kapildeo Singh, resident at Ward No. 20, near
V.M. High School, P.O., P.S. & District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Adv.
Mr. Sandeep Kumar, Adv.

For the Opposite Party/s : Mr. Sushil Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

4 01-09-2017 Heard learned counsel for the petitioner, State and
counsel appearing on behalf of O.P. No. 2.

Petitioner has filed the instant application for
quashing of the order taking cognizance dated 29.05.2014 in
Complaint Case No. 92 of 2013.

The Apex Court has deprecated the filing of
complaint case as a pressure tactics for recovery of dues in relation
to commercial transaction. From perusal of the complaint, it
appears that the present complaint has been filed as a pressure
tactics for recovery of alleged amount which is payable to the
complainant on account of use of generator set.



Counsel for the petitioner submits that the complainant claim with regard to rent of the generator set is against the District Administration and not against the petitioner, who is the Head Master of the school.

Having regard to the fact that the background of the complaint case is alleged unpaid rent for use of generator set. The Court is inclined to exercise its discretion under Section 482 Cr.P.C. to quash the order taking cognizance dated 29.05.2014. This application is accordingly allowed.

It is made clear that if the opposite party no. 2 agitates his claim with regard to payment of rent for the use of generator set, before the district administration, his grievance should be addressed in accordance with law and the quashing of the order taking cognizance will not come in the way of O.P. No. 2 in claiming the dues against the District Administration.

(Anil Kumar Upadhyay, J)

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