

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40687 of 2013

Arising out of P.S. Case No.588 Year 2011 Thana PATNA COMPLAINT CASE District PATNA

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1. Arun Mehra Son of Late Jagdish Chandra Mehra Permanent Resident of Paradise Building , 39, Bentinck Street, Police Station Hare Street, Kolkata (W.B.)
 2. Chandra Shekhar Prasad Sinha Son of Late Kamla Prasad Sinha Resident of A/133, B-Block, Narmada Apartment, Exhibition Road, Police Station Gandhi Maidan, District Patna

.... Petitioners

Versus

1. The State of Bihar
2. Rajesh Kumar Singh Son of Late Mahadev Sharan Singh, Manager M/S Ayush Raj Films, Office At G-2, Narmada Apartment, Ground Floor, Exhibition Road, Police Station-Gandhi Maidan, District-Patna

.... Opposite Parties

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Appearance :

For the Petitioners	:	Syed Masleh-Uddin Ashraf, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For O.P. No.2	:	Mr. Subodh Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 22-09-2017

Heard learned counsel for the parties.

2. The petitioners are accused in Complaint Case No.588(C) of 2011, pending in the court of learned Judicial Magistrate, 1st Class, Patna and cognizance has been taken against them under Sections 323, 341 and 426 of the Indian Penal Code. The petitioners seek quashing of the cognizance order.

3. The short fact, as mentioned in the complaint petition, is that the complainant had taken on royalty two films from K. Sera Sera Films but huge loss was incurred on those two films for the reason that one film titled 'Chal Chala Chal' was released by K. Sera



Sera Films on satellite before its being released, so on that account, the Picture Motion Association fined Rs.1,00,000/- to K. Sera Sera Films, which was to be given to the complainant but after the account settlement, the total amount was of Rs.1,77,000/- was to be given to the complainant by K. Sera Sera Films. The allegation against the petitioners is that K. Sera Sera Films released another film '322 Mumbai to India' with these petitioners, proprietor of Arun Movies. The film was released against the rules, so notice was issued to the Arun Movies so they turned up in the office of the complainant, abused, and assaulted the complainant and also torn off some documents.

4. Learned counsel for the petitioners submits that the petitioners are not concerned with K. Sera Sera Films, rather related to Arun Movies, a distributor of the films, but there was no agreement in between the petitioners and the complainant with regard to release or distribution of any movie, so whatever financial liability existed that remained with K. Sera Sera Films as per allegation. The petitioners are not concerned with that organization. The only allegation is that they turned up in the office of the complainant and abused and assaulted. The allegation appears patently absurd, there was no reason for causing such criminal conduct and in the S.A., the complainant also admits that there is no eye witness except one of his employees in



his office. Contrary to that, the learned counsel appearing on behalf of opposite party no.2 submits that petitioners have abused and assaulted the complainant.

5. Having considered rival submissions and on perusal of the records, the Court finds that the allegation against the petitioners appears patently absurd. There was no any dispute with the petitioners, the dispute, as alleged, is against K. Sera Sera Films and the petitioners are not concerned with any manner with that Company, so the order taking cognizance with respect to the petitioners only and subsequent criminal proceeding against them is quashed.

6. The application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2017
Transmission Date	25.09.2017

