

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41405 of 2014

Arising Out of PS.Case No. -569 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ranvijay Kumar, Son of Sri Madan Singh, Resident of Village - Chipura, P.S.-
Gopalpur, District -Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Sharma, Son of Late Sakaldeep Sharma, Resident of Village -
Babhanpura, P.S.- Phulwarisharif, District -Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opposite Party no.1 : Mr. B.M.P. Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is seeking quashing of the order dated
21.11.2013 passed by learned Judicial Magistrate-1st Class, Patna in
Complaint Case No.569(C) of 2013 by which the learned Magistrate
has taken cognizance of the offences under Sections 406 and 420 of
the Indian Penal Code.

Learned counsel for the petitioner submits that on
perusal of the Annexure-2, which is in the nature of a promise made
by the petitioner while issuing some cheques in favour of the
complainant, would show that the case is in the nature of civil dispute.



The submission of learned counsel is that the petitioner had already paid the entire amount and the same was recorded at the first page of the stamp paper, but later on the same was destroyed and the complainant has indulged in fabricating another agreement on a stamp paper purchased few days after the date on which the parties sign to it. Learned counsel, therefore, submits that the order taking cognizance is bad in law and the same is fit to be quashed.

On the other hand, learned APP representing the State submits that the issues raised by the petitioner cannot be gone into at this stage under Section 482 Cr.P.C.

This Court is of the considered opinion that on perusal of the complaint petition a prima facie case is made out and the defence taken by the petitioner cannot be gone into by this Court in exercise of its jurisdiction under Section 482 Cr.P.C. The Court is not inclined to interfere with the order taking cognizance and issuance of summons against the petitioner.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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