

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18556 of 2015

Arising Out of PS. Case No.-1715 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

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Manish Kumar son of Raj Nath Prasad Residtn of Mohalla - Mauje
Raxaul ,Ward No. 08/35, Police Station- Raxaul , District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prakash Ranjan @ Prakash Kumar @ Prakash Prasad son of Rajendra Prasad
R/o Mohalla- Lohapatti, Police Station- Raxaul, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 11-07-2018

Seeking quashing of the cognizance order dated 31.8.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No.1715 (C) of 2010 for offence under Section 406 of I.P.C., this application has been filed under Section 482 of Cr.P.C.

It is the case of the prosecution, namely the complainant, that he is a businessman and the applicant took a sum of Rs.1,50,000/- in the garb of marriage of his daughter. The same was returned back by way of a Cheque on 18.2.2010 amounting to Rs.1,20,000/- and the same was returned back due to insufficient fund in the account and thereafter the amount has not been paid.



On a bare reading of the complaint and the statement of the complainant available on record clearly shows that the matter pertains to grant of loan for marriage of the applicant's daughter and not returning the same and as such the dispute in question is a civil dispute with regard to a loan and no ingredients for the offence under Section 406 of I.P.C. is made out.

Accordingly, the order of cognizance dated 31.8.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No.1715 (C) of 2010 for offence under Section 406 of I.P.C is quashed.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17-07-2018
Transmission Date	17-07-2018

