

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26515 of 2017

Arising Out of PS.Case No. -4295 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Tejas Raj Son of Manikant Jha, Resident of Village and P.O. Dagmar, Via- Nirmali,
District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Justice (retired) Radha Mohan Prasad, son of Late Barjeshwari Prasad, Resident
of Village- M.P. Sinha Road, Kadam Kuan, Patna- 800003.

.... Opposite Party/s

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Appearance :

For the Petitioner : Ms. Manju Mishra, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 29-01-2018

Heard the learned counsels for the petitioner and the
State.

2. The petitioner has sought quashing of the order dated
22.01.2014 passed by the learned Judicial Magistrate, Patna in
connection with Complaint Case No. 4295 of 2013 whereby
cognizance has been taken against the opposite party no. 2 under
Sections 406, 420, 467 and 468 of the Indian Penal Code.

3. From the complaint filed by the opposite party no. 2,
it appears that an agreement was entered into between the petitioner as
a contractor of civil works and opposite party no. 2 and pursuant to
the aforesaid contract, the petitioner was supposed to construct a



house in accordance with the specifications provided by opposite party no. 2. After the house was constructed, it was found by the opposite party no. 2 that the specifications had not been met and that sub-standard work was done.

4. Learned counsel for the petitioner has submitted that after the opposite party no. 2 entered into the house on its completion, the present case has been lodged. That apart, it has been submitted that now with the passage of time and the petitioner having made amends in the construction, the opposite party no. 2 is not desirous of prosecuting the petitioner any further.

5. Mr. Siddhartha Prasad, learned advocate appearing for the opposite party no. 2 has testified to the aforesaid assertion of the petitioner that opposite party no. 2 does not wish to prosecute the petitioner any further.

6. From the records, it appears that the offences alleged are not in the nature of public offences. The opposite party no. 2 was not satisfied with the quality of construction carried out by the petitioner but now when necessary rectification has been made, no useful purpose would be served in keeping the present proceeding pending as against the petitioner.

7. Considering the aforesaid facts, this Court is inclined to quash the order of cognizance as well as the entire criminal



prosecution as against the petitioner arising therefrom.

8. The order dated 22.01.2014 passed in connection with Complaint Case No. 4295 of 2013 whereby cognizance has been taken against the petitioner as well as all the emanating proceeding therefrom are set aside.

9. The application stands allowed.

(Ashutosh Kumar, J)

KKSINHA/-

AFR/NAFR	NAFR
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