

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54417 of 2021

Arising Out of PS. Case No.-277 Year-2019 Thana- COMPLAINT CASE District- Sheohar

MAHENDRA RAI SON OF RAM SURAT RAI R/O VILLAGE- VRINDAVAN, P.S.-
TARIYANI, DIST.- SHEOHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RAM JANAM RAI SON OF LATE JHAJHU RAI R/O VILLAGE- VRINDAVAN, P.S.-
TARIYANI, DIST.- SHEOHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zoha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2022 Heard learned counsel for the parties.

The petitioner seeks quashing of the order dated 28.01.2021 passed by the learned Chief Judicial Magistrate, Sheohar in Complaint Case No. 277 of 2019 by which cognizance has been taken under Section 420 of the Indian Penal Code.

The short prosecution story is that the complainant on 13.11.2019 stated that the petitioner approached him and sought money for treatment of his wife. The complainant handed him Rs. 1,56,200/- and the petitioner assured that within two years he will return the amount along with the interest failing which he shall execute his land in favour of the informant. However, as time lapsed, the petitioner failed to either return the amount or execute the land. The complainant sent a legal notice which was



not responded by him. Another notice as per the complaint case was sent but was returned due to wrong address. In this way, the complainant stated that the petitioner cheated him. The matter went to the Court and the learned Court below after examining the witnesses had taken cognizance by an order dated 28.01.2021.

Learned counsel for the petitioner submits that the complainant never gave him the amount as has been incorporated in the complaint. He further submits that the copies of the legal notice were not part of the complaint and as such, the complaint itself seems to be false. He lastly submits that the alleged *panchayti* which has come on the record that was held to ask the petitioner to pay back the amount is also improbable and/or false.

This Court has gone through the evidence of the case as also the cognizance order dated 28.01.2021 and finds no infirmity with it.

The quashing application preferred by the petitioner herein is devoid of merit and is accordingly rejected.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

