

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.287 of 2022

Arising Out of PS. Case No.-289 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Tuntun Kumar S/o Sri Shankar Singh @ Shankar Singh Resident of Village-
Milki Dumari Nayagaon @ Milki Nayagaon, P.S.- Mayagaon, District- Saran
(Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pradip Kumar Singh Son of Late Dhaneshwar Singh Resident of Gurudwara
Road, P.S.- K. Hat Sahayak, District- Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 24-11-2022

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application has been filed for quashing
the order dated 29.05.2017 passed by learned Judicial
Magistrate 1st Class, Purnia in C.A. No. 289 of 2017 arising out
of Trial No. 428 of 2017 / Trial No. 289 of 2017 whereby
cognizance of the offence under Sections 406 & 420 of the
I.P.C. has been taken against the petitioner.

3. As per allegation made in the complaint petition the
petitioner borrowed Rs. 15 Lacs from the complaint to start his
business and on demand of the same, he handed over a cheque



of Rs. 5.5 Lacs to the complainant, which was dishonoured on its presentation. It is further alleged that the petitioner abused and assaulted the complainant and his wife on being asked to return the money.

4. Learned counsel for the petitioner submits that criminal case is not maintainable as it relates to money dispute and opposite party no. 2 should have taken recourse to money suit for recovery of his money before Civil Court of competent jurisdiction. He next submits that learned court below has wrongly appreciated the facts of the case while passing order of cognizance.

5. By the impugned order the learned Judicial Magistrate 1st Class, Purnia on being satisfied after going through the records of the complaint case as well as evidence of complainant-witness has come to conclusion that the petitioner has committed *prima facie* offence under Section 406 & 420 of the I.P.C., and as such, has rightly taken cognizance of offense against the petitioner, which does not suffer from any infirmity warranting interference of this Court at this stage under Section 482 Cr.P.C.

6. Upon hearing the parties and the finding in the impugned order, this Court finds that there is no illegality in the



order and no interference is required by this Court.

7. In this view of the matter, this quashing application stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
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