

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.683 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

MEEERA JHA W/O RAVINDRA JHA RESIDENT OF EAST OF SECTOR-8, BAHADURPUR HOUSING COLONY, SANATAN GRIH NIRMAN SAMITEE, NEAR TEJ NARAYAN APARTMENT, PATNA 26, P.S-AGAMKUAN, DISTRICT-PATNA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR, PATNA
3. THE SENIOR SUPERINTENDENT OF POLICE, PATNA PATNA
4. THE SUPERINTENDENT OF POLICE, MADHUBANI MADHUBANI
5. THE OFFICER-IN-CHARGE, AGAMKUAN POLICE STATION, PATNA PATNA
6. THE OFFICER-IN-CHARGE, ARER POLICE STATION, MADHUBANI MADHUBANI
7. ANJANI KUMAR DEEPAK S/O NARAYAN JHA R/O VILLAGE-DIHTOL, ARER, P.O AND P.S-ARER, DISTRICT MADHUBANI, PRESENTLY R/O HOUSE NO.D-190, GALI NO.05, MUKUND BIHAR, KARAWAL NAGAR, DAYALPUR, NEW DELHI, PIN CODE-110094
8. RANJITA KUMARI W/O ANJANI KUMAR DEEPAK R/O VILLAGE-DIHTOL, ARER, P.O AND P.S-ARER, DISTRICT MADHUBANI, PRESENTLY RESIDING OF HOUSE NO. D-190, GALI NO.05, MUKUND BIHAR, KARAWAL NAGAR, DAYALPUR, NORTH EAST, NEW DELHI, PIN CODE-110094

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha
For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2023 The present application has been filed for a direction to the respondent authorities to lodge the First Information Report under appropriate sections of the Indian Penal Code and Negotiable Instrument Act against respondent nos. 7 and 8, on



the ground that respondent nos. 7 and 8 took a loan from the petitioner of Rs. 17,00,000/- and issued a cheque for refund of the said amount which has been dishonoured.

Learned Counsel for the petitioner submits that the cheque for refund of the loan amount of Rs. 17,00,000/- issued by respondent no. 7 was presented before the bank for its encashment in the account of the petitioner, but the cheque has been dishonoured, which would be evident from the slip issued by the concerned bank (Annexure 2/1).

I have heard learned Counsel for the parties concerned.

From perusal of this application, it transpires that the petitioner is aggrieved against the dishonour of the cheque issued by respondent no. 7 (Annexure 2/1). As per the provision of Section 142 of the Negotiable Instrument Act, no court shall take cognizance of any offence punishable under Section 138 except upon a complaint, in writing, made by the payee or, as the case may be, the holder in due course of the cheque.

The petitioner has sought a direction for lodging of the First Information Report alleging that the cheque given by respondent no. 7 and presented by the petitioner in the bank has dishonoured.



In view of the provisions under the Negotiable
Instrument Act, I do not find any merit in this application.
This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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