

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5150 of 2018

Arising Out of PS. Case No.-1540 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Vijay Kumar Barman Son of Late Durga Prasad Burman,
 2. Amit Kumar, Son of Vijay Kumar Burman, Both resident of Mohalla- Purani Bazar, Jumma Masjid Chauk, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sunil Kumar Suman, Son of Nagina Prasad, Resident of Village- Purani Bazar, P.S.- Town, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-12-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 18.11.2017 passed in Complaint Case No. 1540 of 2017 by the learned CJM, Muzaffarpur whereby cognizance of offence under Section 420 of the IPC read with Section 138 of the N.I. Act has been taken.

3. The learned counsel for the petitioners, at the outset, does not dispute this fact that the cheque has not been issued by the petitioners herein but then submits that the cheque



was not issued for any consideration rather there was business transaction among the petitioners and the O.P. No. 2 and in lieu whereof the cheque was handed over to the O.P. No. 2 who misused the same.

4. The learned APP for the State, Mr. Chandra Bhushan Prasad, vehemently rebuts the submission of the learned counsel for the petitioners and submits what is not disputed rather stands admitted is that the cheque was issued by the petitioners whether it was issued in lieu of consideration or it was given in lieu of some business transaction that cannot be adjudicated in the present quashing application and definitely the said ground does not warrant interference of the Court in the order impugned by which cognizance has been taken.

5. The learned APP for the State further submits that the N.I. Act was enacted in order to ensure that in business transaction for consideration, the person in whose favour, the cheque is issued, is not duped but then willy litigants like the petitioners used the law as a tool. The learned APP further submits that if what has been submitted by the learned counsel for the petitioners is true then the same will surface in trial.

6. Considering the submission made by the learned APP for the State, the Court is not inclined to entertain the



quashing application.

7. Accordingly, the present quashing application stands rejected.

(Satyavrat Verma, J)

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