

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35274 of 2015

Arising Out of PS. Case No.-1432 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Shantanu Chakravarty Son of Prashant Kumar Chakravarty Resident of A - 81
Krishna Apartment, Boring Road, P.S. Shrikrishnapuri, P.O. - Patliputra,
District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ajay Kumar Sinha Son of Late Alakh Sundar Prasad Resident of Sundar
Bhawan, Katchi Talab, Gardanibagh, P.S. - Gardanibagh, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Opposite Party/s : Mr.R.B.Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 22-03-2023 Heard learned counsel for the petitioner and the

State.

It has been informed by the learned counsel for the
petitioner that the complainant is since dead and the same has
been verified by the petitioner and has been brought on record
by way of supplementary affidavit duly put on affidavit by his
mother, namely, Shyamali Chakravarty.

This application has been filed for quashing of the
order dated 08.05.2015 in Complaint Case No. 1432 (c) of 2015
passed by the learned Judicial Magistrate, 1st Class, Patna by
which the learned Court below took cognizance under sections
323 and 504 of the Indian Penal Code against the petitioner.



As per the complaint, the accused no. 3, the petitioner herein approached the complainant along with other accused persons to prepare a project report in view of the information they had received that he runs Industrial Bureau International Services for which an amount of Rs. 1,27,000/- was transferred to him online as service charge for the said purpose.

However, no such project report was ever provided and when confronted either to provide project report or return the amount, although Rs. 21,000/- was returned, no further payment was made and instead a complaint was preferred.

Accordingly, the Complaint case No 1432 (c) of 2015 was filed in which the learned Judicial Magistrate, 1st Class, Patna took cognizance under sections 323 and 504 of the Indian Penal Code.

Aggrieved, the present petition.

In this case, a bench of the Patna High Court while issuing notice on 04.09.2017 had stayed the further proceedings in the matter.

As informed, the complainant is now no more.

The complainant claimed that the total amount that was to be paid by the accused is/was Rs. Two lakhs on which Rs. 1, 27,000/- was paid and for the rest of the amount, they



were put on notice after which allegation is that he was abused, Rs. 2000/- snatched and the modesty of the women were also outraged. Accordingly, the complaint.

The petitioner herein has made out a case to interfere in the matter. The complainant was supposed to provide project report for which Rs. 1,27,000/- was admittedly paid to him. It is not his case that the project report was provided to the accused persons and they failed to make further payment as has been alleged in the complaint.

Even the allegation that has come in the complaint seems to be an afterthought and to prevent the accused persons/ petitioner herein to demand the amount, he had received.

As stated above, a supplementary affidavit has been brought on record to show that the complaint is no more and as such there is no representation from other side.

In the aforesaid circumstances, this Court has no option but to allow the petition preferred by the petitioner herein.

The Complaint Case No. 1432 (c) of 2015 passed by the Judicial Magistrate, 1st Class, Patna whereby and whereunder cognizance has been taken under section 323 and 504 stands quashed.



The application under Section 482 of the Code of Criminal Procedure is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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