

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1520 of 2019**

Arising Out of PS. Case No.-580 Year-2019 Thana- KOTWALI District- Patna

NIRBHAY SINHA Son of Narendra Sinha Resident of Ajay Bhawan, 4th floor, Frezer Road, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY HOME DEPTT. PATNA.
2. The Home Secretary, Govt. of Bihar, Patna. Bihar
3. the Director General of Police, Bihar, Patna. Bihar
4. The Additional Director General of Police, Law and Order, Bihar, Patna. Bihar
5. The Inspector General of Police, Central Range, Bihar, Patna. Bihar
6. The Deputy Inspector General of Police, Central Range, Bihar, Patna. Bihar
7. The Senior Superintendent of Police, Town, Patna. Bihar
8. The Station House Officer, Police Station, Kotwali, District- Patna. Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Nagendra Kumar Singh  
For the Respondent/s : Mr.Manish Kumar

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

3      24-04-2023                      Heard learned counsel for the parties.

This application has been filed for quashing the criminal proceeding initiated against the petitioner vide F.I.R. of Kotwali P.S. Case No. 580/2019, registered on 30.06.2019 for the offence under sections 419, 420, 465, 471, 193, 120(B) of the Indian Penal Code.

As per prosecution, petitioner has lodged Kotwali P.S. Case No. 664/2017 on 02.12.2017 registered under section 417,



418, 419, 420, 409, 467, 468, 120 (B) of the Indian Penal Code and section 138 of N.I. Act. It is further alleged by the learned counsel for the petitioner that in course of business accused came in contact with the petitioner in 2015 and due course of talk with the accused person represented as exporter and importer of furniture including raw materials. The accused persons further disclosed to the petitioner that accused persons are doing the business since 10 years. It is further alleged that having heard all their assurances the petitioner agreed to invest a sum of Rs. 50,00,000/- from taking loan from bank and other sources. The petitioner demanded the account number of the accused person to transfer the money but they refused and told the petitioner to make payment in cash. The petitioner had made payment to the accused persons in two installments and persuaded him to give goods/furniture. The accused did not supply the goods/furniture. But on giving pressure by the petitioner accused issued a cheque of Rs. 43,00,000/- of Axis Bank bearing cheque no. 178073 dated 12.10.2017 but the cheque was not honoured. On the basis of aforesaid written statement the Kotwali P.S. Case No. 664/2017 is instituted against the accused persons.

From the reading of the F.I.R., it appears that prima facie case



is made out against the petitioner. Therefore, the F.I.R. cannot be quashed.

Considering the aforesaid facts and also the law laid down by the Hon’ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. State of maharashtra and other reported in (2020) 10 SCC 118*, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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