

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56829 of 2019

Arising Out of PS. Case No.-2238 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Jitin Jot Singh Son Of Late Trilochan Singh Resident Of 10, Raj Niwas Marg,
Civil Line, Delhi, At Present Working As Director, J.V.S. Health Care Private
Ltd., A-108, Wazirpur Industrial Area, P.S.-Ashok Vihar, Delhi-110052.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Santosh Kumar Son Of Sri Ram Subodh Rai Proprietor Of M/S Rai Traders,
Resident Of Village-Khabara, Police Station-Sadar, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s	:	Mr. Anita Kumari Singh, APP
For the Informant	:	Mr. Vinay Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioner and learned

APP for the State

This application has been filed for quashing of order
dated 17.07.2019 by which discharge petition has been rejected
by the court below filed by the petitioner.

As per the prosecution case, Ram Traders is the
establishment of the complainant since 2009. The accused has
come into establishment of the complainant and an agreement
was executed between them. Pursuant to agreement, the
complainant has given two cheques of each Rs. 50,000/-
(Rupees Fifty Thousand Only) to the accused and under the



agreement it was decided that the company shall pay commission to the complainant based upon sale made by the complainant. After sometime the employees of the company has stopped working, which the complainant has made a complaint to the said company but the accused has not taken any action. The staff of the complainant started sending money received from the market upon the advice of the accused but the company has not paid commission to the complainant in accordance with the agreement. The goods which the company has sent to the complainant has also found to be duplicated but no action has been taken. Therefore, the allegation made by the complainant is that the accused has taken the complainant on faith, executed an agreement and has misappropriated total amount of Rs. 1.5 lakhs. The complainant was told that the accused will not be paid any money and accordingly complain has been lodged by the complainant.

It has been contended by learned counsel for the petitioner that from reading of the complaint, it appears that no offence is made out against the petitioner.

Learned counsel for the opposite party no. 2 and the State submit that the petitioner has cheated the complainant and therefore, a complaint case was filed.



I have considered the rival submissions of the parties and also from reading of the entire F.I.R., it appears that there is dispute of Rs. 1.5 lakhs between accused and the complainant.

Considering the aforesaid facts and also considering the law laid down by *the Hon'ble Supreme Court in a case of State of Haryana Vs Bhajan Lal* reported in *1992 Supp(1) SCC 335*, this application is allowed. Therefore, impugned order dated 17.07.2019 passed by learned Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 2238 of 2018 is here by quashed.

(Sandeep Kumar, J)

Harsh/

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