

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32534 of 2015

Arising Out of PS. Case No.-52 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Chandan Kumar @ Chandan Chaudhary S/o Sri Prahalad Chaudhary Resident
of Village Chemnapur, Lalganj, P.S. Lalganj, Pin-844121, District Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nagendra Kumar, Pro. Madadeo Cement Agency S/o Sri Saryug Prasad
Singh R/o Sahara India Godam, Chhoti Pahari, P.S. Baipass, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

This petition has been filed for quashing the order
dated 22.05.2014 passed by the learned J.M. 1st Class, Patna
City in Trial No. 3218 of 2014 in Complaint Case No. 52 of
2014 by which the learned Court below took cognizance under
Section 418 of the Indian Penal Code.

As per the prosecution story, the informant who is
having cement agency in the name of Mahaveer Cement Agency
was approached by the petitioner and he purchased cement as he
was also a part time businessman. Allegation is that materials and
it is alleged that out of worth Rs. 7,69,380/- was supplied to the



petitioner but only Rs. 6,78,500/- was received and Rs. 90,880/- was due which was not cleared. Accordingly, he was sent legal notice followed by the complaint.

Learned counsel for the petitioner submits that it is a case of civil nature and for that no criminal case can be lodged and the learned court has erred in accepting the complaint and takes cognizance under Section 418 of the Cr.P.C.

Per contra, learned APP for the State submits that from the complaint itself, it is clear that Rs. 90,880/- was due and the petitioner was also put on notice and as he failed to repay, the present complaint. The criminal intent is there and as such, the learned Court below has rightly took the cognizance under Section 418 of the Indian Penal Code.

Taking into account the materials on record and the submissions put forward by the respective parties as also the fact that admittedly Rs. 90,880/- was not cleared by the petitioner and thus, criminal intent is there.

This petition lacks merit and the same is dismissed.

(Rajiv Roy, J)

Jagdish/Neha-

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