

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.498 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

-
1. SUNIL KUMAR SINGH Son of Sita Ram Singh, Resident of Block No.C-1, Industrial Area, Police Station-Patliputra, District-Patna, Pin Code-800013.
 2. Aman Kumar Son of Sanjay Choudhary, Resident of village-Kathaila, Police Station-Kharia Bazar, District-Bhagalpur.
 3. Rakesh Kumar Deo Son of Tapendu Prasad Deo, Resident of village-Lakhoriya, Police Station-Sakha, District-Deoghar.
 4. Guddan Kumar Singh Son of Late Ram Udgar Singh, Resident of Village and P.O-Bhaur, Police Station-Khaira, District-Jamui.
 5. Mohan Himmatsingka @ Mohan Himmat singh Son of Late Ram Jiwan Himmatsingka, Resident of Jay Sree Complex, Manjusa House, Nageshwar Colony, Boring Road, p.s.-budha colony dist- Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna Patna.
2. The Senior Superintendnet of Police, Bhagalpur. Bhagalpur.
3. Station House Officer, Industrial Area Police Station-Bhagalpur. Bhagalpur.
4. Dr. Jeta Singh Son of Late Sada Nand Singh, Resident of Sadavinod Apartment Campus, Ray Bahadur Shiv Shankar Sahay Path, Bikhanpur, Police Station-Ishak Chak, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Adv
For the Respondent/s	:	Mr.Prabhat Kumar Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

19 27-09-2024 Heard Learned Counsel for the petitioner, Learned Counsel for the APP and Learned Counsel for the informant.

2. The present criminal writ application has been filed for quashing of the First Information Report bearing Industrial Area P.S. Case No. 08 of 2019 against the nine accused persons including the present petitioners under sections 420, 406, 427,



467, 468 and 120 B of the Indian Penal Code is pending in the Court of learned Chief Judicial Magistrate, Bhagalpur and for grant of any other relief/reliefs for which petitioners are legally entitled in the facts and circumstances of the case.

3. Learned Counsel for the petitioners submits that from the bare reading of the F.I.R., no criminal offence is made out against the petitioners and the allegation which is made out in the F.I.R., the petitioners are already suing before the Consumer Forum. Counsel further submits that it is absolutely a commercial dispute, and therefore, it may be adjudicated before the commercial forum and criminal case shall not be continued.

4. Counsel further submits that from the Fardbeyan, it transpires that the genesis of dispute is due to transaction of loans then in that case, the criminal case may not continue.

5. Learned Counsel for the private respondent, on the other hand, submits that there are two part in Fardbyan. The first part is relating to the commercial transaction and the second part is basically the Fraud which has been done by the accused with dishonest intention as the petitioner was having full knowledge that he is going to deceive the informant in the said transaction, therefore, he submits that this part is necessary to be taken into consideration before the Criminal Court. He further submits that



charge-sheet has already been submitted in this case.

6. Learned Counsel for the state submits that charge-sheet has already been submitted, therefore, progress could not take place only due to the reason that Stay has been granted by this Hon'ble Court.

7. After hearing the parties, it transpires to this Court that F.I.R. has been lodged and the said F.I.R. has been concluded in the filing of the charge-sheet. Therefore, this Court, after filing of charge-sheet is not inclined to interfere in this matter.

8. Accordingly the present writ application stands dismissed with liberty to the petitioner that he may take remedy before the appropriate forum in accordance with law.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

