

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13665 of 2016

Arising Out of PS. Case No.-313 Year-2015 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Sanjeev Kumar S/o Late Shri Dinanath Singh R/o Vill- Patel Nagar,
Bikramganj, P.O. P.S.- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

1. State Of Bihar
2. Amar Prakash, S/o Late Shri Dinanath Singh R/o Vill.- Patel Nagar,
Bikramganj, P.O. P.S.- Bikramganj, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Adv.
For the State : Mr. Sumit Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

13 22-07-2024 The petitioner/accused and the complainant/opposite
party are two full brothers.

2. On the basis of a complaint submitted by opposite
party no. 2 against the petitioner, the learned Judicial
Magistrate, Ist Class-cum- Additional Munsif-V, Bikramganj,
Rohtas took cognizance of offence under Sections 417/465 of
the I.P.C. and directed issuance of summon against the
petitioner. The said order of cognizance is under challenge in the
instant writ petition.

3. The background of the case is that the father of the



parties had Kerosene distribution shop having a licence issued by the Indian Oil Corporation. He died on 12th June, 1996, when the complainant was aged about 12 years. After the death of the father of the parties, fresh licence was granted on the basis of an application with supporting affidavit in favour of the petitioner. The petitioner had been running the said Kerosene shop.

4. It is submitted by the learned Advocate for the petitioner that at present the said Kerosene shop is closed.

5. By filing Complaint Case No. 313 of 2015, the opposite party no. 2 claimed that the petitioner forged his signature on a purported affidavit and on the basis of the said affidavit he got the licence. Thereby the petitioner committed offence under Sections 417 and 465 of the I.P.C.

6. It is submitted by the learned Advocate for the petitioner that licence system for sale of Kerosene Oil has been recalled by the Indian Oil Corporation.

7. In view of such circumstances, the cause of action to lodge the said complaint does not exist at present. Continuation of the complaint case will be a futile exercise and unnecessary consumption of judicial time.

8. For the reasons stated above, the instant application under Section 482 of the Cr.P.C. is allowed.



9. The Complaint Case No. 313 of 2015 is quashed
and set aside.

(Bibek Chaudhuri, J)

pravinkumar/-

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