

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73832 of 2023

Arising Out of PS. Case No.-37 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

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ABHAY SHEKHAR SINGH SON OF CHANDRA SHEKHAR SINGH
RESIDENT OF VILLAGE - DIGHI KALA, P.S. - HAJIPUR SADAR,
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SURAJ KUMAR SON OF BAIJ NATH PRASAD RESIDENT OF
MOHALLA - KADAMKUAN CHURI MARKET, P.S. - KADAMKUAN,
DISTRICT - PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-07-2024 Heard the parties.

2. The contention of the learned counsel for the petitioner is that no FIR is maintainable under Section 138 of the N.I. Act.

3. There is no dispute with regard to the same.

4. Even if, the FIR has been registered under Section 138 of the N.I. Act and the police may not be required to file charge-sheet under N.I. Act considering the fact that for an offence under N.I. Act only complaint is maintainable.

5. So far as the offence under other Sections i.e. Section 420, 406/34 are concerned, the FIR cannot be quashed



at this stage because the allegations levelled in the FIR make out a case and the same needs proper investigation.

6. Accordingly, this application is dismissed.

7. The interim protection granted to the petitioner vide order dated 8.1.2024 is hereby vacated.

(Sandeep Kumar, J)

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