

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22867 of 2021

Arising Out of PS. Case No.-4199 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

=====

CHANDRA BHUSHAN Son of Late Shashi Bhusan Resident of Mohalla-
Danapur Cantt, Near Kali Mandir, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ajay Thirani Son of Late Bhagwan Thirani Resident of Mohalla- Saidpur
Nahar, Freinds Colony, P.S.- Kadamkuan, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. J.P. Singh, Sr. Advocate Mr. Binod Kumar Sinha, Advocate Mr. Ajay Kumar Prasad, Advocate
For the State	:	Mr. Pradeep Narain Thakur, APP
For the O.P. No.2	:	Mr. Nilanjan Chatterjee, Advocate Mr. Ujjawal Raj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 15-07-2025 Heard learned counsels for the parties.

2. The present application has been filed for seeking
indulgence of this Court for the privilege available under
Section 482 of Cr.PC by way of setting aside the cognizance
order dated 19.02.2020 passed in Complaint Case No.499(C) of
2019 by the learned J.M. 1st Class, Patna, taken against the
petitioner under Section 406 of the Indian Penal Code.

3. The parties have partially settled their dispute.

4. Learned Senior Counsel for the petitioner submits
that petitioner has approached this Court for quashing the order
taking cognizance in a case filed by the O.P. No.2, who is the



tenant of the petitioner. The contention of the learned Senior Counsel for the petitioner is that the O.P. No.2 is his tenant and he has falsely implicated him in a case when he was directed to vacate the premises. An eviction suit bearing eviction suit no.59 of 2019 is pending between the parties in the Court below.

4. The tenant i.e. O.P. No.2 claims that he had given Rs.8 lacs in cash to the petitioner which has not been accepted by the petitioner. He also submits that during pendency of the eviction suit, he has been paying rent regularly in cash but no receipt has been issued by the petitioner.

5. There are disputed questions of facts and this Court will not go into those disputed questions of facts. So far as the O.P. No.2 is concerned, he has vacated the premises and returned the key to the petitioner in this Court today. The O.P. No.2 has also submitted that he does not want to contest any criminal case with his ex-landlord now.

6. In these circumstances, this application is allowed. The cognizance order dated 19.02.2020 and the entire proceedings against the petitioner arising out of Complaint Case No.499(C) of 2019 is hereby quashed. The proceedings of the eviction suit no.59 of 2019 shall be dropped.

7. If the petitioner wants he can prefer money suit for



alleged arrears of rent.

8. This Court has not expressed any opinion on the
arrears of rent.

(Sandeep Kumar, J)

shikha/-

U		T	
---	--	---	--

