

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36746 of 2023**

Arising Out of PS. Case No.-3225 Year-2019 Thana- PATNA COMPLAINT CASE District-  
Patna

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DR. EKRAMULLAH KHAN @ AKRAMULLAH KHAN Son of Namullah Khan @ Inamullah Khan Resident of Bheriharwa, P.O. - Sugha Bhawanipur, P.S. - Karghi, Distt. - West Champaran, Presently Residing at Doctor's House No. 01, Above OPD, Room No. 41, 2nd Floor, PMCH Campus, P.S. - Pirbahore, Distt. - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Ram Swarup Mahto Son of Late Mangal Mahto Resident of Dargah Road, Khajurbanna, P.S. - Sultanganj, Distt. - Patna

... .. Opposite Party

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Rohit Raj, Advocate        |
| For the              | : | Dr.Mrityunjaya Kr.Gautam, APP |
| For the O.P. No. 2   | : | Mr.Arun Kumar Arun, Advocate  |
|                      |   | Mr.Akash Arun, Advocate       |
|                      |   | Mr.Ram Naresh Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL JUDGMENT**

**Date : 09-07-2025**

Heard learned counsel appearing for the petitioner  
and learned counsel for the opposite party no. 2.

2. The present application has been preferred under section 482 of the Code of Criminal Procedure (in short, the 'Cr.P.C.') to quash the order dated 05.01.2021 as passed by learned C.J.M., Patna, in connection with Complaint Case No. 3225(C) of 2019, whereby learned Magistrate has been pleased to take cognizance for the offence under Section 138 of the Negotiable Instrument Act (in short, the 'N.I. Act').



3. The case of the prosecution in brief is that the complainant was under occupation of the land which is situated at Mauza-Sandalpur, Bahadurpur, Patna under Khata No. 337, S.P. No. 710 having Tauzi No. 303, where he wanted to transfer an area of 859.63 sq. ft. of the said land. The complainant alleged that the aforesaid land was finalized with the accused person for a total sum of Rs. 20,50,000/-, where Rs. 3 lakhs was transferred through R.T.G.S. to the complainant and for rest of the amount, some cheques were handed over to him. Accused/petitioner is a doctor being posted at P.M.C.H., Patna. The complainant further alleged that when he presented the aforesaid cheques in the bank, the same got dishonored. Thereafter, the complainant sent a legal notice to the petitioner no. 03.07.2019 requesting therein to pay the dishonored cheque amount of Rs. 14,09,963/- to him within 15 days, but till date the petitioner did not pay any heed to said demand, consequent upon the present complaint case was filed.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is under liability of Rs.



10 lakhs only and the cheques which were said to be issued by the petitioner for a sum of Rs. 14,09,963/-, was issued as security amount in connection with the purchase of land of the complainant/opposite party no. 2.

5. At this stage, it is submitted by learned counsel appearing for the complainant/opposite party no. 2 that he is ready for compromise against sum of Rs. 12 Lakhs.

6. Learned counsel for the petitioner is adamant to pay only Rs. 10 Lakhs and, therefore, to that extent liability appears admitted.

7. Be it so, the issue as raised by the learned counsel appearing for the parties can only be ascertained during the trial.

8. The present quashing petition appears devoid of any merit. Accordingly, the same stands dismissed.

**(Chandra Shekhar Jha, J)**

Rajeev/-

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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