

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59376 of 2019

Arising Out of PS. Case No.-1431 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. DR. BISWANATH DE @ BISWANATH DE Son of late Dhrubapada De. Resident of Natandihi, Jhargram, P.S.- Jhargram, Distt - West Midnapore (West Bengal), Pin - 721507. At present residing at 950, Pelican Nature Nature Kamalgazi Bazar, P.O. Narendrapur, P.S.- Sonarpur, Distt - South 24 Parganas, Kolkata - 700103
 2. Dr. Sudip Kumar De. @ Sudip kumar De Son of Dr. Biswanath De. Resident of Natandihi, Jhargram, P.S.- Jhargram, Distt - West Midnapore (West Bengal), Pin - 721507. At present residing at 950, Pelican Nature Nature Kamalgazi Bazar, P.O. Narendrapur, P.S.- Sonarpur, Distt - South 24 Parganas, Kolkata - 700103

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Dr. Sujoy Kumar Samanta Son of late Bishnupada Samanta Resident of Flat No. B3/304, IIT Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jeetendra Narayan
For the Opposite Party/s	:	Mr.Md. Matloob Rab, APP 34
For the O.P. No. 02	:	Mr. Abhay Kumar Thakur Mr. Navin Prakash

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 24-03-2025 Heard the learned counsel for the petitioners, learned
counsel for the O.P. No. 02 and learned APP for the State.

2. This application has been filed for quashing the
order dated 28.05.2019 passed by the learned Judicial
Magistrate, 1st Class-cum-A.M.-IV, Patna in Complaint Case
No. 1431© of 2019.

3. As per the prosecution case, the complainant had
alleged that the petitioners, who are none other but the father-in-



law and brother-in-law of the complainant, have taken Rs. 8 lakhs from the complainant and had not returned the same to him.

4. From the reading of the complaint petition, no offence is made out against the petitioners and it appears that on account of matrimonial dispute, the present civil dispute is being given colour of a criminal case. The O.P. No. 02 should have filed a civil suit for recovery of the alleged amount.

5. In the opinion of this Court, this is purely a civil dispute and the continuance of the criminal case is nothing but abuse of the process of the Court.

6. Accordingly, this application is allowed and the order dated 28.05.2019 passed by the learned Judicial Magistrate, 1st Class-cum-A.M.-IV, Patna in Complaint Case No. 1431© of 2019 is hereby quashed.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

