

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63795 of 2022

Arising Out of PS. Case No.-1453 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Mr. Bhanu Singh @ Bhanu Pratap Singh Son Of Mahkar Singh Assistant
Manager, Hindustan Media Ventures Ltd., Hindustan Times House Office, 18-
20, R/O Kasturba Gandhi Marg, P.S.- Tilakbridge, New Delhi- 110001

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Md. Kamlauddin Azad Son Of Md. Jiyauddin Azad R/O Flat No. 401,
Madhuri Villa Appartment, A.N. Road, S.K. Puri (North), Boring Road,
Patna-800013

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the O.P. No. 02	:	Ms. Kanupriya, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-05-2025 Heard the learned counsel for the petitioner, learned
counsel for the State and the learned counsel for the O.P. No. 02.

2. This application has been filed for setting aside/
quashing the impugned order dated 20.06.2022 by which
learned Judicial Magistrate, First Class, Patna has taken
cognizance against the petitioner in Complaint Case No. 1453
(C) of 2021 registered under Sections 467, 468, 420, and 120 of
the Indian Penal Code, 1860.

3. As per the complaint, the complainant is a
businessman running "DANISH NEWS," and his wife operates
a news agency called R. K. News Agency. Both agencies are



registered at the same address. The first accused is a company involved in publishing newspapers, and the complainant alleges that in May 2019, this company appointed R. K. Agency as its distributing agent for Bhagalpur, Bihar. An agreement was made and the complainant deposited a cheque signed by his wife. The complainant has alleged that on account of distribution agreement, the complainant was asked by the accused to pay a security amount of Rs 30 Lakhs, which he did via another cheque. Later, the accused informed the complainant that they could not give a large contract to just one agency, so he created a new agency named DANISH AGENCY. In this arrangement, work was divided between the two agencies with funds allocated accordingly. Accused No. 2 took a blank cheque from him. Despite making payments to the associated company until January 2020, the complainant noticed irregular billing that violated their agreement. The complainant being dissatisfied from the conduct and business of the accused, sent an email on March 29, 2020, to terminate their agreement and requested a refund of the security amount. The complainant also terminated the agreement with R. K. Agency and requested the return of Rs 30 Lakhs. The accused responded by stating they would handle the work and income directly from April 1, 2020 without the



complainant. The Complainant alleged that even after termination, the accused used his resources and illegally profited in his name. Furthermore, Accused No. 3 claimed that they had terminated the contract in May 2020 and demanded Rs 232,613 from the complainant. Lastly, the Complainant alleged that the accused forged his signature on a cheque to withdraw funds. Based on these allegations, the Complainant filed a complaint under various sections of the Indian Penal Code.

4. Learned counsel for the petitioner has submitted that the petitioner Mr. Bhanu Singh is posted as the Assistant Manager in Hindustan Media Ventures Ltd and from the plain reading of the averments made in the complaint case, no prima facie case is made out against the petitioner. He further submits that there is no whisper of allegation against the petitioner. There is no material either in the complaint or even in the evidence adduced by the complainant against the petitioner, therefore, no criminal offence is made out against the petitioner and the cognizance order is bad in the eyes of law and fit to be set aside.

5. From perusal of the complaint and the entire materials available on record, it appears that the opposite party no. 2 and the company Hindustan Media Ventures Ltd. entered



into a business relationship and with regard to the bouncing of a cheque and Complaint Case No. 1921 of 2021 was filed in Karkadoona Court against the petitioner in which opposite party no. 2 has also appeared. It appears that *mala fide* prosecution because of a civil dispute has been launched by the opposite party no. 2 to wreck vengeance upon petitioner.

6. The Hon'ble Supreme Court in the case of ***Mahmood Ali & Ors. Vs. State Of Up & Ors, (2023) 15 SCC 488*** has held as follows:

11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would



ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

7. Considering the entirety, I come to the finding that it is a civil dispute which has been given a colour of criminal



case by the opposite party no. 2 and the opposite party no. 2 has filed a *malafide* prosecution against the petitioner which cannot be sustained and accordingly the order dated 20.06.2022 by which learned Judicial Magistrate, First Class, Patna taking cognizance against the petitioner in Complaint Case No. 1453 (C) of 2021 is hereby quashed.

8. In view of above, the application stands allowed.

(Sandeep Kumar, J)

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