

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29933 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- KOTWALI District- Patna

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1. DILIP KUMAR @ DILIP SAH @ ANTU SAH SON OF DEVANDRA SAH R/O-NAWANAGAR BAZAR, P.S.-BIDUPUR, DISTT.-VAISHALI. AT PRESENT RESIDING AT FLAT NO. 1302, OM SAI PALACE, DANAPUR, KHAGAUL ROAD, P.S.-DANAPUR, DISTT.-PATNA
2. RAJAN @ NANKI SON OF MAHESH SAH R/O-BIDUPUR, P.S.-BIDUPUR, DISTT.-VAISHALI
- Petitioner/s

Versus

1. The State of Bihar
2. SUNIL KUMAR SON OF OMKAR NARAYAN CHOUDHARY R/O-HAZIRGANJ, P.S.-CHOWK, DISTT.-PATNA. AT PRESENT WORKING AS MANAGER IN M/S JALAN'S GEM'S AND JEWELLERY CREATION, HAVING ITS OFFICE AT 301, PANDEY MALL, FRAZER ROAD, P.S.-KOTWALI, DISTT.-PATNA
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate Mr. Mantu Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the O.P. No. 2	:	Mr. P.N. Sahi, Sr. Advocate Mr. Madhukar Anand, Advocate Mr. Shubham Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

12 24-02-2026 This application has been filed for quashing of the FIR bearing Kotwali P.S. Case No. 726 of 2022 dated 13.11.2022 arising out of Complaint Case No. 8395 of 2022 registered for offences punishable under Sections 406, 415, 420, 467, 468, 34 of the IPC read with Section 138 of the N.I. Act and the case is present pending in the Court of learned Chief Judicial Magistrate, Patna.

2. Brief facts of this case are that the complainant Mr. Sunil Kumar is manager in M/s Jalan's Gem's and Jewellery Creation. He sold gems and jewellery to opposite party and opposite



party, in lieu of the consideration money, issued two cheques dated 25.08.2021 and 07.09.2021 but those cheques could not be honoured because the account was found closed.

3. The complaint petition was sent to the police station under the provision of Section 156(3) of the Cr.P.C.

4. Learned counsel for the petitioners submits that the continuance of the proceeding is an abuse of process of law since the complaint was filed after statutory limitation period. His further submission is that the amount claimed by the complainant, is under controversy and the petitioners are willing to compromise the case. It has further been submitted that the criminal breach of trust punishable under Section 406 of the IPC and cheating dishonestly under Section 420 of the IPC are two different things.

5. On the other hand, learned counsel for the opposite party no. 2 (complainant) opposed the prayer.

6. Learned counsel for the petitioners may raise his points at the time of framing of charges.

7. With these observation, this application stands disposed of.

(Nawneet Kumar Pandey, J)

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