

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64936 of 2022

Arising Out of PS. Case No.-257 Year-2012 Thana- KOTWALI District- Patna

HEMANT KUMAR DAS Son of Late Awadhesh Kumar Das Resident of Flat
504A, White House Apartment, Buddh Marg, P.S.- Kotwali, Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SHIVRAM KRISHNA GUPTA SON OF LATE S. R. GUPTA RESIDENT
OF VILLAGE- OWNER OF M/S S.K. KRISHNA AND CO. SATKAR
HOTEL, DAK BUNGLOW CHAURAHA, PS- KAOTWALI, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Singh, Sr. Adv. Mr.Nikhil Kumar Agrawal, Adv. Mrs.Aditi Hansaria, Adv. Mr.Keshav Bhardwaj, Adv.
For the State	:	Mr. J.N. Thakur, APP
For the Informant	:	Mr.Sanjay Kumar, Adv. Mr.Kushagra Kaustubh Ojha, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 16-02-2026 Heard the learned counsel for the petitioner as well as

the learned APP for the State and the learned counsel for the

informant.

2. The present application is being filed for quashing
the order dated 11.04.2013 passed by Sri Harsh Wardan, the
Learned Judicial Magistrate, Second Class, Patna, in Kotwali
P.S. Case No. 257 of 2012 dated 28.05.2012, whereby
cognizance has been taken under Sections 406 and 420 of the
Indian Penal Code against the petitioner, as well as for setting
aside the entire criminal proceedings against the petitioner.



3. According to FIR, there was contract between the informant and Rabindra Bhavan. The informant installed generator, but Rabindra Bhavan did not make payment. It is alleged that it was the petitioner, on whose instigation, the contract was entered into between the parties.

4. Mr. Sanjay Singh, the learned senior counsel for the petitioner has submitted that from bare perusal of the FIR, it transpires that the status of the petitioner is merely that of an introducer. He is not party to the contract. The contract is between the informant/firm and the Rabindra Bhavan Parishad. It has further been submitted that moreover, it is a case of civil nature. The cognizance against other accused persons has been quashed.

5. On the other hand, the learned counsel for the informant has submitted that it was the petitioner, who introduced the informant to enter into contract with the Rabindra Bhavan Parishad.

6. The status of the petitioner appears only that of an introducer between the parties. Moreover, if there is violation of terms and conditions of the contract, the ultimate remedy lies before the civil court of competent jurisdiction and not before the criminal court.



7. Considering the above-mentioned facts and circumstances, the order dated 11.04.2013 passed by the learned Judicial Magistrate, 2nd Class, Patna whereby cognizance has been taken against the petitioner in connection with Kotwali P.S. Case No. 257 of 2012 is hereby *quashed*.

8. Accordingly, this criminal miscellaneous petition stands allowed.

(Nawneet Kumar Pandey, J)

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