
(2014) 12 PAT CK 0059

In the Patna High Court

Case No : Criminal Misc. No. 31938 of 2014

Rajiv Bajaj and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 11-12-2014

Acts Referred:

Citation : (2015) 2 PLJR 202

Hon'ble Judges : Anjana Prakash, J.

Bench : Single Bench

Advocate : Sanjeev Kumar, for the Appellant; Anil Pd. Singh, for the Respondent

Final Decision : Allowed

Judgement

Anjana Prakash, J.?The Petitioners seek quashing of the order dated 24.4.2014 passed by the court of Sri R.R. Raman, Judicial Magistrate, 1st class, Begusarai in Complaint case No. 8016C of 2013. The case of the Complainant is that he was a dealer of products of Bajaj Auto Limited since the year 2002. His agreement with Bajaj Auto was renewed from time to time. Some time in March, 2013 he was summoned to Patna where the accused persons assured him of further renewal of dealership. On the basis of such representation he further invested in his dealership but suddenly in July he learnt that the same had not been renewed. He then filed Title Suit No. 464 of 2013 in which the accused persons have appeared.

2. It has been submitted on behalf of the petitioners that even accepting the entire narrative of the complaint petition no ingredient of a criminal offence is made out and at best it is in breach of agreement for which the Complainant has already approached a Civil Court. When the admitted position is that the parties had been on terms of Supplier and Dealer since the last so many years it cannot be even remotely assumed that the offer in March, 2013 was a misrepresentation or fraudulent or dishonest.

3. On the other hand, the Counsel for the Complainant submits that it was only

on the assurance by the accused persons of renewal of the dealership that he invested further in the same which has caused considerable loss to him when the same was not renewed, hence the petitioners should be put on trial for cheating.

4. I am unable to convince myself that in the facts of the complaint as enumerated above any criminal offence would be made out against the accused and hence I would proceed to quash the proceeding.

5. In the result, the application is allowed and the entire proceedings against all the accused persons including the order dated 24.4.2014 passed by the court of Sri R.R. Raman, Judicial Magistrate, 1st class, Begusarai in Complaint Case No. 8016C of 2013 is hereby set aside. However, the quashment of the present proceeding shall have no bearing on any other claims of the parties.