

Criminal Miscellaneous No.31416 of 2009

Mohan Himatsingka, son of late Ram Jivan Himatsingka, aged about 56 years, Managing Director, Shankar Motors Pvt. Ltd., Plot – C-1, Industrial Area, Patliputra, Patna-13.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bipin Sah, son of Madan Sah, resident of village Kamta, P.S. Bhabua, Distt. Kaimur.

.... Opposite Party/s

with

Arising Out of Complaint Case No.755(C) Year- 2008 District- BHABHUA (KAIMUR)

Arun Srivastava, son of late Kishori Prasad, the then Branch Manager, Tata Motors Finance Limited, Patna, at present posted as State Head-North-East, Tata Motors Finance Limited, Second Floor, Godrej Building, Ulubari, G.S. Road, Guwahati, Assam.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bipin Sah, son of Madan Sah, resident of village Kamta, P.S. Bhabua, Distt. Kaimur.

.... Opposite Party/s

with

Arising Out of Complaint Case No.755(C) Year- 2008 District- BHABHUA (KAIMUR)

Ranganathan Srinivasan, son of late B. Ranganathan, Regional Legal Incharge – East, Tata Motors Finance Ltd. At – Apeejay House, Block –C, 5th Floor, 15, Park Street, Kolkata – 700 016.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bipin Sah, son of Madan Sah, resident of village Kamta, P.S. Bhabua, Distt. Kaimur.

.... Opposite Party/s

(In Cr.Misc. No. 31416 of 2009)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
Mr. Nagadeo Choubey, Adv.

For the State : Mr. C. Jawahar, A.P.P.

(In Cr.Misc. No. 31714 of 2009)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
Mr. Nagadeo Choubey, Adv.

For the State : Mr. C. Jawahar, A.P.P.

(In Cr.Misc. No. 31187 of 2009)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
Mr. Nagadeo Choubey, Adv.

For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

Heard learned counsel for the Petitioners and the State.

No one appears on behalf of the Opposite Parties.

The Petitioners seek quashing of the order of cognizance dated 20.9.2008 passed by the Judicial Magistrate, 1st Class, Bhabua, in Complaint Case No. 755C of 2008.

The case of the Complainant is that he had purchased the vehicle after taking loan from Tata Motors Finance Ltd. Even though, he was paying the installments and had paid the entire amount to the accused persons, they produced a forged Cheque purportedly issued by him got it dishonoured and sent a legal notice to him.

Further, the accused persons in conspiracy with each other sent notice from permanent Lok Adalat for recovery of the outstanding amount, even though, the entire amount had been repaid

by him.

It has been submitted that even conceding the allegations in the Complaint petition, no criminal offence whatsoever would be made out. At best the Complainant seems to be aggrieved merely by the notice having been received by him from permanent Lok Adalat.

On going through the facts of the case, I would be inclined to accept the submission so raised on behalf of the Petitioners.

Hence, the application is allowed and the order of cognizance dated 20.9.2008 passed by the Judicial Magistrate, 1st Class, Bhabua, in Complaint Case No. 755C of 2008, is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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