

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33758 of 2002

Arising Out of PS.Case No. -616 Year- 2002 Thana -null District- PATNA

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1. P. Joshi son of Dr. L.D. Joshi, Senior Construction Manager, Larson and Toubro Limited, ECC Construction Group, Railway Electrification Incharge, Park Plaza, 71, Park Street, 2nd Floor, Kolkata-70016
 2. Suresh Kumar (Resident Engineer), Larson & Toubro Limited, ECC Construction Group, Railway Electrification Site, Patna-1, Mourya Vihar, Mourya, Patna, Police Station Shastri Nagar, Patna (Bihar)
 3. K. Satyanarayan Murty, son of late Viswanath Rao, Accounts Officers, Larson & Toubro Limited, ECC Construction Group, Aitha Palli Chowk, Sarswati Vihar, at post office Sambalpur, District Sambalpur, State Orissa
 4. Abhay Kumar son of late Anjani Kumar Sinha, Accounts Supervisor, Larson & Toubro Limited, ECC Construction Group, Aithapalli Chowk, Sarswati Vihar, at P.O. Sambalpur, District Sambalpur, State Orissa

.... Petitioner/s

Versus

1. The State of Bihar
2. S. Asdar Hussain (S.A. Hussain), C/o late Mazhar Hussain, resident of Mohalla Gowlal Bigha, Near Munni Masjid, Police Station Civil Lines, District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Raj Bansh Dubey, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-03-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 15.4.2002 passed by the Chief Judicial Magistrate, Patna in Complaint case No.616C of 2002.

The case of the Complainant is that he was an employee of Larson & Toubro Limited Company, Calcutta and like the Petitioners posted in Patna. The Complainant was terminated from service on 9.1.2002. However, the provident fund of the Complainant even

though deducted every month was not deposited in his account. He alleged that the Petitioners had misappropriated the amount due to him for about five years.

The Petitioners submit that the entire amount had been paid to the Complainant, which is evident from communication annexed herewith. It was because of the omissions of the Complainant in service that he was terminated. Being aggrieved, the present Complaint was filed in order to vent his ire.

Having gone through the nature of allegations, I am inclined to hold that the present Complaint has been filed for ulterior reasons and deserves to be set aside.

Hence, the application is allowed and entire proceeding including the order of cognizance dated 15.4.2002 passed by the Chief Judicial Magistrate, Patna in Complaint case No.616C of 2002 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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