

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1330 of 2013

Arising Out of PS.Case No. -1375 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Max New York Life Insurance Co. Limited, 402, 4th Floor, Kaushalya Estate,
Dakbunglow Chouraha, P.S. Kotwali, Town & District- Patna through Authorized
Signatory Mr. Prabhakar Kumar, at present working as Executive in Max New
York Life Insurance Company Limited's office.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Kamal wife of Dhirendradeo, near J.V.G. Shop, Near Ashiana Road, P.S.
Rajiv Nagar, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Dayanand Singh,

For the Opposite Party/s : APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-05-2015

Heard learned counsel for the petitioner and learned APP for
the State.

2. The present application has been filed for quashing the
order dated 19.07.2010 passed in Complaint Case No. 1375-C of 2010
by which the learned Chief Judicial Magistrate, Patna has taken
cognizance of offences under Sections 406, 420 of the Indian Penal
Code and under Section 138 of N.I. Act and directed issuance of
process against the petitioner.

3. Mr. Amresh Kumar Singh, learned counsel appearing for
the petitioner submits that the petitioner company has been falsely
implicated as the amount of Rs. 1,00,000/- is said to have been

collected from the complainant by one Kunwar Mayank Singh who however was not an employee of the company. In any event the Company duly issued a policy for Rs. 50,000/- being the extent of money which it had received. The accusation of dishonoring of the cheque for Rs. 50,000/- is against the said Kunwar Mayank Singh who had issued the cheque for which the petitioner company was in no way responsible. It is further submitted that the complainant has since entered into a compromise with the petitioner company and its officials in terms of a compromise petition filed before the learned Judicial Magistrate, Ist Class, Patna absolving them of any liability.

4. This Court finds merit in the submission of the petitioner and is of the view that in such circumstances no fruitful purpose would be served in continuing the prosecution of the petitioner.

5. In the interest of justice, therefore, the petition is allowed and the impugned order of cognizance dated 19.07.2010 passed in Complaint Case No. 1375C of 2010 is hereby quashed as regards the present petitioner only.

(Vikash Jain, J)

Md. Ibrarul/-

U		T	
---	--	---	--