

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14062 of 2012

Arising Out of PS.Case No. 2960 Year- 2009 Thana -null District- PATNA

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Shailendra Mohan Jha S/o Sri Baikunth Jha, the then Area Manager, Tata Motors Finance Limited, at present Office No.601-602, 6th Floor, Kashi Place, Dak Bunglow Chowk, Patna-800001

.... Petitioner/s

Versus

1. The State of Bihar
2. Prafull Kumar Tiwari S/o Sri Siyaram Tiwari, Mohalla 6B, Rajiv Nagar, Nala Par, P.S. Rajiv Nagar, Town & District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the State : Smt. Suman Kumari Singh, APP
For Opposite Party No.2 : Mr. Gopal Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

The Petitioner seeks quashing of the order of cognizance dated 3.12.2010 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2960C of 2009.

The case of the Complainant is that he had taken loan for purchase of three vehicles from the Petitioner's company and was in the process of repaying the same. However, one of the vehicles met with an accident, for which he paid insurance amount. The company instead of depositing the amount in Account A directly did so in Account B with which the Complainant is aggrieved and hence the present case.

It has been submitted on behalf of the Petitioner that

even conceding the allegations no loss or gain having been caused to any person the case be quashed. Also the deposits had taken place as per the instruction of the insurance company and hence their acts were in accordance with law.

On the other hand, the Counsel for the Complainant submits that due to fault of the finance company the insurance amount has accumulated to the extent that he cannot pay the same.

Having considered the nature of allegations, I am unable to convince myself as to how a criminal offence is made out in the facts stated.

Hence, the application is allowed and the order of cognizance dated 3.12.2010 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2960C of 2009 is hereby set aside.

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

(Anjana Prakash, J)

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