

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.250 of 2016

Arising Out of PS.Case No. - Year- Thana - District- NALANDA (BIHARSHARIFF)

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Magma Fincorp Limited Through Constitute Attorney Mr. Anchalesh Kumar Roy
.... Petitioner/s

Versus

State of Bihar Through Director General of Police Bihar, Patna Secretariat, Patna &
Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Advocate
Mr. Nagadeo Chaubey, Advocate
For the Respondent/s : Mr. U.S.S. Singh, GP-1

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

Date: 18-04-2016

With the help of this writ application, made under Articles 226 and 227 of the Constitution of India, the petitioner has sought for setting aside and quashing Deepnagar Police Station Case No.322 of 2014, which has been instituted on the basis of the complaint converted into First Information Report of respondent No.5.

Heard Mr. Amaresh Kumar Sinha, learned Counsel, appearing on behalf of the petitioner, and Mr. Uday Shankar Sharma Singh, Government Pleader No.1, appearing on behalf of State-respondent.

It is the case of the petitioner that the petitioner had financed the vehicle and, on the breach of the payment of the installment of the said hypothecated vehicle, the vehicle was taken into custody by the petitioner, in terms of the hire purchase

agreement, which was, however, released, on 26.06.2012, in favour of respondent No.5 by the agents of the petitioner, but suppressing the fact of having received the vehicle, the respondent No.5 has lodged a First Information Report making false accusation, which has come to be registered as Deepnagar Police Station Case No.322 of 2014, under Sections 420/34 of the Indian Penal Code.

Considering the fact that truth or falsity of the contents of the First Information Report cannot be determined in a writ proceeding of present nature, this Court, in the facts and attending circumstances of the case, close this writ petition with the direction to the Superintendent of Police, Nalanda, to ensure that the investigation of the case aforementioned is carried out properly and expeditiously without causing any harassment to any innocent person and taking into account all such facts, which have been stated by the petitioner in his present writ petition including the fact that the petitioner had already made a comprehensive representation, in this regard, addressed to Officer-in-Charge, Deepnagar Police Station. The petitioner may furnish to the Superintendent of Police, Nalanda, a certified copy of this order along with a copy of the writ petition and annexures thereto.

With the aforesaid observations and directions, this writ petition stands disposed of.

(I.A. Ansari, ACJ.)

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