

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15069 of 2013

Arising Out of PS.Case No. -2912 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Lic Housing Finance Ltd. Patna Branch, Jeevan Prakash Building Fraser Road, Patna, A Company Incorporated Under The Provisions Of The Companies Act, 1956 Having Its Registered Office At 2nd Floor, Bombay Life Building, 45/47, Veer Nariman Road, Fort, Mumbai- 400001 And One Of The Area Offices At Jeevan Prakash Building, Fraser Road, Patna- 800001, Represented Through Its Constituted Attorney Sri Naveen Bhandari, Manager Operations, Patna Back Office

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rahul Muzaffarpuri S/O Sri Uma Shankar Prasad Sharma Resident Of 'Maliti Priya House' Gokul Path, Patel Nagar, P.S.- Shastri Nagar, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-04-2016

The petitioner seeks quashing of the order of cognizance dated 07.04.2011 passed by the Judicial Magistrate 1st Class, Patna in Case No. 2912 C of 2008.

The case of the complainant is that while he was working in LIC he wanted to purchase a flat and came in contact of certain developers and he paid a sum of Rs. 1, 11,000/- to the accused no. 2 i.e. Director of the company and further paid some more money to enter into an agreement at the coercion of the company officials. His wife then applied for housing loan of Rs. 6,25,000/- from LIC Housing Finance Ltd and a tripartite agreement was entered into on 25.10.2007 after which the loan was sanctioned. However,

subsequently the developer canceled the said allotment and therefore, the present case.

The submission of the petitioner is that as is evident from the complaint petition as far as the officials of LIC is concerned is concerned no offence whatsoever is made and that there was no collusion between the officers and the builder concerned and the allegation is completely baseless.

On the other hand the complainant submits that since he has been deprived of both money and the flat, the LIC Housing Finance Ltd. should be put on trial.

Having considered the background of the case I am unable to convince myself that any criminal case is made against the petitioner. Hence the application is allowed and the order of cognizance dated 07.04.2011 passed by the Judicial Magistrate 1st Class, Patna in Case No. 2912 C of 2008 is hereby set aside so far as the petitioners is concerned.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
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