

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34899 of 2012

Arising Out of PS.Case No. -201 Year- 2009 Thana -null District- SAMASTIPUR

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1. Ranvir Thakur S/o late Kamal Nath Thakur.
 2. Harishankar Thakur S/o Late Deonarayan Thakur.

.... Petitioner/s

Versus

1. State of Bihar.
2. Smt. Ratna Kumari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Siwha, Adv.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-07-2016

The petitioner seeks quashing of the order dated 12.07.2010 passed by the Chief Judicial Magistrate, Samastipur in Samastipur (M) P.S. Case No. 201 of 2009.

The case of the informant is that she had taken a vehicle on loan financed by H.D.F.C Bank which assigned it to Magma Fincorp Ltd. Ltd. Subsequently the vehicle was lifted by the accused persons and hence the present first information report.

It has been submitted on behalf of the petitioners that the Petitioner no. 1 was the Branch Manager in the Magma Finacorp Lt.d whereas the Petitioner no. 2 was working as Executive. The informant had taken loan from H.D.F.C Bank but she was irregular in payment and later she also entered into a written agreement with one Satish Kumar that he would ply the vehicle and also pay the instalment in

accordance with which agreement he started plying the vehicle and also repaid the monthly instalment. Later some dispute arose between the informant and said Satish Kumar on account of which she wrote a letter to the District Transport Officer not to transfer the vehicle in the name of Satish Kumar. The Said Satish Kumar then filed the complaint against her in the year 2008. Subsequently she filed the present first information report suppressing the relevant facts.

Considering the aforesaid circumstances I have no hesitation in holding that the present case is malicious and deserves to be set aside. Hence the application is allowed and the order dated 12.07.2010 passed by the Chief Judicial Magistrate, Samastipur in Samastipur (M) P.S. Case No. 201 of 2009 is hereby set aside.

(Anjana Prakash, J)

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