

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41681 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Mahindra & Mahindra Financial Services Ltd., a Non-Banking Financial Company incorporated under Indian Companies Act, 1956 through Regional Manager (Legal) having one of its Branch Office at House No.147, Patliputra Colony, P.S. Patliputra, District Patna
 2. Prabhat Kumar S/o Mahesh Pandey, Territory Manager, Mahindra & Mahindra Financial Services Ltd., having its Branch office at House No.147, Patliputra Colony, P.S. Patliputra, District Patna
 3. Alok Kumar S/o late Ashok Singh, Customer Manager, Mahindra & Mahindra Financial Services Ltd., having its Branch office at House No.147, Patliputra Colony, P.S. Patliputra, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Sinha w/o Arvind Kumar, resident of Mohalla Purvi Lakshmi Nagar Khemni chak near Khatal of Om Ji, P.S. Ram Krishna Nagar, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kr. Ray, Advocate
Ms. Sheela Sharma. Advocate
For the Opposite Party/s : Mr. Arun Kr. Singh-5, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioners seek quashing of the order of cognizance dated 3.8.2010 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.1380C of 2010.

The case of the Complainant is that after obtaining loan he had purchased a Mahindra Bolero jeep from Sonali Auto Private Limited and even though he was paying the loan instalments regularly his vehicle was stolen by some unknown persons. When information

was given to the authorities, the insurance amount was received by them but it was not paid to the Complainant.

It has been submitted that fact of the matter is that after the insurance amount was claimed it was put in the loan account which stood closed on payment of the entire dues and with ulterior purpose the present Complaint was filed with trumped up charges.

Considering that these transactions are well documented, the application is allowed and the proceeding including the order of cognizance dated 3.8.2010 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.1380C of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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