

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29954 of 2013

Arising Out of PS.Case No. -3480 Year- 2006 Thana -PATNA COMPLAINT CASE District-
PATNA

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Escort Finance Limited, a Company registered under the Companies Act. 1956 having its registered office at N-6 Pratap Building Connaught Circus, New Delhi, through its authorized representative Prabhat Kumar, S/O Sri S.N. Singh having its Office at the above said address.

.... Petitioner

Versus

1. The State of Bihar.
2. Anand Prakash Srivastav, S/O Sri Krishna Deo Srivastav, Resident of Flat No. 305, Saroj Complex, Road No. 5/D, North S.K. Puri, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. A.K. Sinha, Advocate

For the Opposite Party/s : M/s Ghorelnad Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-01-2017

This application has been filed under Section 482 of Cr.P.C for quashing of the order of the cognizance dated 08.02.2007 passed by learned Judicial Magistrate-1st Class, Patna, in Complaint Case No. 3480/C of 2006 against the petitioner.

The complaint has been filed by O.P. No.2 alleging therein that the complainant renewed his fixed deposit certificate with this petitioner as mentioned in para-5 of the complain petition at page-25 of the brief. The maturity amount has been shown in the aforesaid paragraph as Rs.13,676/-.

The petitioner has submitted that he had already paid the entire amount of Rs.13,676/- by demand draft kept as Annexure-3 and 3/A of the brief which was already received by the petitioner as



appear from Annexure-3/B. Thereafter, the petitioner has also filed a petition in the court below kept at Annexure-5 stating therein that the matter has already been settled between the parties and maturity amount has been returned and prayer has been made by the complainant in lower court that he does not want to give any evidence and to dismiss the complaint petition.

In such circumstances, the entire due of the complainant has already been paid by the petitioner which complainant himself acknowledged vide Annexure-3/B. He has also filed a petition in the lower court stating the aforesaid fact that he has received the entire amount along with interest, on 27.06.2013 (Annexure-5).

This court therefore finds that continuance of criminal proceeding against the petitioner will be abuse of process of court. Accordingly, the impugned order dated 08.02.2007, passed by learned Judicial Magistrate-1st Class, Patna, as well as entire proceedings in Complaint Case No. 3480/C of 2006 is hereby quashed with regard to this petitioner.

Accordingly, this criminal miscellaneous application is allowed.

(Sanjay Priya, J.)

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