

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18130 of 2014

Arising Out of PS.Case No. -2991 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Reliance General Insurance Company through Claim Manager Mr. Alok Kumar aged about 38 years, s/o Sri Akhilanand, Office at 301/302, 3rd Floor, Kaushalya Estate, Bunder Bagicha, Dak Bunglow Chouraha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kundan Kumar Singh, s/o late Bidhyanath Singh, resident of Mohalla Nayatola, P.O. Turkauliya, P.S. Turkauliya, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 31-10-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 24.02.2014 passed by the Judicial Magistrate, 1st class, Motihari, in Complaint Case No.2991 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offence under Section(s) 385, 465, 323 Indian Penal Code.

2. Counsel for the petitioner has submitted that the instant case has been filed just to give pressure upon the petitioner to settle the claim of which the Complainant is also seeking remedy before the Consumer Forum. Xerox copy of the petition filed before



the Consumer Forum, Motihari, vide Consumer Case No.192 of 2013 on 22.01.2014 is annexed as Annexure-4 to the petition.

3. The Complainant has made allegation in the Complaint Petition that while his Truck bearing registration no. BR 06 G 4831 was standing on the road, miscreants of the village poured petrol on the truck and burnt the same. The Complainant contacted the Insurance Company for claim but the Company refused to pay claim and gave threat to the Complainant. The Complainant has already filed case in the Consumer Forum vide Consumer Case No.192 of 2013 on 22.01.2014 (Annexure-4) making claim for compensation of Rs.12,25,000/-. The Court below by the impugned order has found *prima facie* case for the offence under Section(s) 385, 465, 323 Indian Penal Code.

4. Petitioner is said to be the Claim Manager of Reliance General Insurance Company.

5. From perusal of the allegation in the Complaint Petition, this Court finds that there is no ingredient of Section(s) 385, 465, 323 Indian Penal Code. From the nature of the allegation made in complaint, it appears that this complaint has been filed by the Complainant to give pressure upon the petitioner, who is Claim Manager, to make payment of his claim.

6. In the light of judgment of Hon'ble Supreme Court



passed in the case of *State of Harayana Vs. Bhajan Lal* reported in *AIR1992 SC 604*, criminal prosecution is liable to be quashed if the same has been filed maliciously with intent to give pressure on the petitioner out of personal grievance.

7. In view of such, impugned order dated 24.02.2014 passed by the Judicial Magistrate, 1st class, Motihari, in Complaint Case No.2991 of 2013 along with entire criminal proceeding against the petitioner is hereby quashed.

8. The application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	13-11-2017
Transmission Date	13-11-2017

