

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19578 of 2014

Arising Out of PS.Case No. -38 Year- 2003 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Mohammad Azam Son of Manaur Hussain
2. Farhad Hussain Son of Azazul Haque
3. Irshad Alam Son of Azazul Haque
All the three are resident of Village Ghodpakadi, P.S- Inarwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. C.N.P. Verma, Branch Manager, P.N.B. Branch- Inarwa, S/o not known to the petitioners P.S. Inarwa, District-West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 23-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 22.10.2011 passed by the learned Chief Judicial Magistrate, Bettiah, West Champaran in Trial No. 1413 of 2013 arising out of Inarwa P.S. Case No. 38 of 2003 whereunder the learned C.J.M. took cognizance under Sections 409 and 420 of the Indian Penal Code and ordered for issuance of summons against the petitioners.

2. Heard both sides.

3. It has been submitted that the F.I.R. was lodged on the allegation that all the three petitioners took loan from the Punjab



National Bank, Inarwa Branch under Prime Minister Rojgar Yojna.

The accused persons disposed of the articles, which were taken by them by the loan amount without any information to the Bank and thereby, cheated the informant and committed breach of trust.

4. The learned counsel for the petitioners submits that after cognizance order, the petitioners entered into compromise with the Bank and deposited the loan amount with accrued interest. The Bank Manager has given no dues certificate in favour of all the three petitioners, which have been annexed as annexures 4 and 5 of this application. In view of the settlement, the criminal prosecution of the petitioners would be an abuse of process of court and so, the impugned order taking cognizance as well as their criminal prosecution is fit to be quashed.

5. The learned APP for the State did not oppose the submission made on behalf of the petitioners.

6. The Opposite Party No. 2 inspite of service of notice did not file any counter affidavit to deny the fact.

7. Considering the submissions of the learned counsel for the petitioners and the fact that the matter has been settled and there is no due against any of the petitioners. The criminal prosecution of these petitioners in such circumstance would be an abuse of process of court.



8. In the facts and circumstances of the case, the order dated 22.10.2011 passed by the learned Chief Judicial Magistrate, Bettiah, West Champaran and also the criminal prosecution of these petitioners is hereby quashed and this application is allowed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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