

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19754 of 2014

Arising Out of P.S.Case No. -121 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Ramesh Kumar, Branch Manager, Central Bank of India, Karnauti, P.S. Bakhtiarpur,
District, Patna.

.... Petitioner

Versus

1. The State Of Bihar &
2. Dharmendra Kumar, son of Shri Kaushlendra Kumar, resident of village-
Geruari, P.S.-Bakhtiarpur, District-Patna (Complainant)

.... Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party No.2	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Pranav Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-08-2017

This application under Section 482 of the Cr.P.C. has been
filed to quash the order dated 29.01.2014 passed by Judicial
Magistrate, Ist Class, Patna in Complaint Case No.121(c) of 2013
whereby and whereunder the court below took cognizance against the
petitioner for the offence under Section 420 of the IPC.

Heard and perused the record.

It has been submitted that the petitioner is the Branch
Manager and he joined the bank in question on 17.06.2011 and
remained posted there till 03.09.2013. The complainant has filed this
case with false and frivolous allegation alleging inter-alia that his father
had purchased a tractor from the agency which was financed by the bank



of this petitioner. The father of complainant was cheated by the Branch Manager and the tractor agency as they supplied the brand no.740 of Sonalika tractor instead of required brand bearing no.735-DI. The father of Opposite Party No.2 was intending to purchase said tractor as the government had provided more subsidy then a brand no.735-DI.

Learned counsel for the petitioner submits that the tractor was purchased in the year 2004 and after nine years of said purchase the complainant has lodged the case on the allegation of cheating and committing breach of trust. The tractor in question was purchased by the father of the complainant and for three consecutive years the father of complainant took servicing facility from the said agency. At the relevant time, the petitioner was not posted as Branch Manager. The allegation of cheating and committing breach of trust is vague and no offence under Sections 420 or 406 of the IPC is made out. The learned Magistrate has passed the impugned order in mechanical manner without going into through the materials on record and so the impugned order is fit to be quashed.

The learned APP opposed the submissions.

On going through the complaint petition, I find that the tractor was purchased in the year 2004 and for several years, he took service from agency and during the period of nine years, he never



raised any objection. The contention of petitioner is that after his joining the petitioner gave notice to the father of Opposite Party No.2 for depositing the instalment of bank loan which increased from Rs.2,00,000/- to Rs.3,50,000/-. The complainant or his father did not pay even a single farthing and on demand of loan amount, he has lodged this case with false and frivolous allegation. The allegation of cheating and breach of trust appears omnibus and the case has been lodged out of vengeance only after giving notice by the petitioner in the year 2011. In such circumstance, the criminal prosecution of this petitioner who is Branch Manager would be an abuse of the process of the Court.

In view of above documents, this criminal miscellaneous application is allowed and the order dated 29.01.2014 passed by Judicial Magistrate, Ist Class, Patna in Complaint Case No.121(c) of 2013 and prosecution of this petitioner on that basis is quashed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.08.2017
Transmission Date	30.08.2017

