IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41823 of 2011

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

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1. Morepen Laboratories Limited, Regd. Office Morepen Village, Malkamazra Nalagarh Road, Near Baddi, District- Solan, Himachal Pradesh and its Corporate Office at 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi- 110001 through Its authorized signatory Mr. Vikash Verma, Zonal Manager
2. Mr. Sushil Suri, Chairman & Managing Director C-40, Anand Niketan, New Delhi
3. Mr. Manoj Joshi, Director B-6/64, Safdargung, Enclave, New Delhi
4. Mrs. Mamta Suri, Director C-40, Anand Niketan, New Delhi
5. Mr. P.S. Pritam, Director 4th Floor Antrikhsh Bhawan, 22, KG Marg, New Delhi- 110001

.... Petitioners

Versus

1. The State Of Bihar
2. Shri S.K. Jalan S/O Shri Babu Lal Jalan Bengali Tola, Mithapur, P.O. & P.S.- Jakkanpur, Patna- 800001

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Anshuman Singh, Advocate

For the State : Mr. Ajay Kumar-I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor on this quashing application filed under Section 482 of the Code of Criminal Procedure, 1973 for setting aside cognizance order dated 7.6.2006 passed in Complaint Case no.1393(C) of 2006 pending in the court of S.D.J.M., Patna thereby taking cognizance under Sections 406, 420 and 120B of I.P.C.

2. The allegation in brief, as mentioned the complainant is that the Accused No.1Morepen Laboratories Limited, a company dealing in Pharmaceutical and Health Care Product floated a fixed

deposit scheme to public in general inviting investment at the higher rate of 12% of interest per month on the deposit. The complainant, his family members and friends made investment under the said scheme of fixed deposit but the grievance of the complainant is that the maturity amount of the investment made on 11.6.2002 after expiry of one year was not paid despite several requests.

3. The submission of learned counsel for the petitioners is that in fact the maturity amount of the investment relating to the complainant and his family members has already been paid by the Company in August, 2008. However, he can not initiate a criminal case as far as with respect to others are concerned. The complainant even after receiving his maturity amount neither appearing before this Court nor before the trial court and has also not filed a compromise petition and the trial court is also not proceeding in the matter despite the fact that there is no stay of the proceeding in the court below.

4. Having considered the submissions of the learned counsel for the petitioners and on perusal of record as far as the allegations in the complaint is concerned, there is no ground for setting aside the cognizance order only ground available was with the petitioners that they had paid the maturity amount later on after filing of the complaint case to the complainant, so on that ground the cognizance order cannot be set aside because there is no any compromise petition on record in between the parties nor any

compromise petition has been filed by both sides before this Court, so there is no ground for interfering with the cognizance order.

5. The petition stands dismissed. However, the trial court is directed to expedite the trial and conclude it preferably within a year in accordance with law.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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