

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52037 of 2014

Arising Out of PS.Case No. -176 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Murlidhar Pandey son of Shivbadan Pandey Resident of At Pandeypur, P.O. Aathar, P.S. Sikrol, District- Buxar, Bihar
 2. Jaswant Surana @ Jaswant Singh Surana @ Jaswant Khurana son of Narendra Singh Surana, Resident of Gupteshwar Sadan, New Lalji Tola, P.S. Gandhi Maidan, District- Patna, Bihar
 3. Rajeev Prasad son of J.N. Prasad, Resident of 102, Jagdish Enclave, Exhibition Road, P.S. Gandhi Maidan, District- Patna, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Ganesh Jha S/o Sri Late Dashrath Jha, Partner, Bhagwan Trading, Mahinam, Village- Mahinam, P.S. Baheda, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.
For the Opposite Party/s : Mr. M.K. Nirala (APP)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the Complainant/Opposite Party No. 2.

2. The petitioners seek quashing of the order dated 05.09.2014 passed by learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in Complaint Case No. 176/2014 thereby taking cognizance of the offence under Sections 406, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that



Complainant was appointed earlier dealer of Lafarge India Pvt. Ltd. for selling cement manufactured by the Company and the accused persons are the Senior Sales Officer, Deputy General Manager Sales, Assistant Vice President Sales of the Company since the dealership of the complainant was terminated by the Company on 18.07.2014 due to his criminal activities so maliciously present complaint was filed subsequently on 01.08.2014. Moreover, the matter has been compromised between both sides. The allegation that his security money was withheld by the Company has already been released and both sides also filed compromise petition before the Sessions Judge, Darbhanga at the time of hearing of the anticipatory bail petition. Last but not least the Company has not been made accused so officials of the Company cannot be held vicariously liable for criminal conduct of the Company.

4. Learned counsel appearing on behalf of Complainant admits the fact of compromise.

5. It appears that dispute relates to some financial transaction, the issue of security money but the Complainant has already received the same and complaint petition was filed after cancellation of his dealership by the Company, so the malicious nature of complaint is also apparent. In this view of the matter continuation of criminal proceeding would be abuse of the process of the court, therefore, entire criminal proceeding inclusive of cognizance dated 05.09.2014 pending in the court of Additional Chief



Judicial Magistrate, Benipur Darbhanga with respect to the Complaint
Case No. 176/2014 is hereby quashed. The application stands
allowed.

(Arun Kumar, J)

Vinita/-

AF.R/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	22.11.2017

