

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21546 of 2013

Arising Out of PS.Case No. -1367 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Escort Finance Limited, a Company Registered Under The Companies Act, 1956 having its Registered Office at N-6, Pratap Building Connaught Circus, New Delhi, through its authorized representative Prabhat Kumar Son of S.N. Singh having its office at N-6, Pratap Building Connaught Circus, P.S. Connaught, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Singh S/o Late Diwan Singh Resident of C/214, Rajnigandha Apartment, Sadakat Ashram, P.S.- Patliputra, District- Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mishra Mr. Sanjiv Sharan
For the Opposite Party No. 2	:	Mr. Rakesh Narayan Singh
For the State	:	Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 22-06-2017

1. The petitioner seeks quashing of the order dated 26.08.2009 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1367/C/2009 whereunder cognizance for the offence under Sections 406, 420, 467 & 468 of the Indian Penal Code has been taken against the petitioner.

2. Heard Mr. Sanjay Kumar Mishra, learned counsel for the petitioner, Mr. Rakesh Narayan Singh, learned counsel for the O.P. No. 2 as well as Mr. Akhileshwar Dayal, APP for the State.

3. The learned counsel for the petitioner submits that the dispute has been settled between the complainant and the petitioner's firm has



already paid an amount of Rs. 6 lacs towards full and final settlement and the complainant in this respect has given a discharge certificate which has been annexed as annexure-3 series. He further submits that a series of complaint cases were filed by different investors and cognizance of offence was taken, against which the petitioner filed several Cr. Misc. cases which have been allowed by this Court. Learned counsel for the petitioner filed a web copy of the order dated 11.09.2012 passed in Cr. Misc. No. 20720 of 2012 which shows that cognizance order passed in similar nature of case has been quashed.

4. Considering the aforesaid facts, the order dated 26.08.2009 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1367/C/2009 by which cognizance of offence under Sections 420 and 120-B of the Indian Penal Code has been taken against the petitioner is hereby quashed and the application is allowed.

5. Let the L.C.R. be returned forthwith.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.06.2017
Transmission Date	23.06.2017

