

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8714 of 2014

Arising Out of PS.Case No. -28 Year- 2014 Thana -KOTWALI District- PATNA

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1. Sudhir Kumar Sinha S/O Late Akhauri Bharat Sinha, Resident Of Abhay Bhawan, 2nd Floor, Frazer Road, P.S.- Kotwali, District- Patna
 2. Shivendra Kumar Sharma S/O Late Santoshi Sharma, Resident Of Abhay Bhawan, 2nd Floor, Abhay Bhawan, Frazer Road, P.S.- Kotwali, District- Patna
 3. Ritesh Kumar S/O Sri Govind Prasad Jaiswal, Resident Of Abhay Bhawan, Frazer Road, P.S.- Kotwali, District- Patna
 4. Ranjan Kumar Sinha S/O Sri A.N. Sinha, Resident Of Station Road, United Bank Of India, Patna Main Branch, P.S.- Kotwali, District- Patna

.... Petitioners

Versus

1. The State Of Bihar
2. Krishna Mohan Prasad S/O Late R.N. Prasad Resident Of Mohalla- Kajipur, Quarter No. 3, P.S.- Kadamkuan, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Mayanand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 16-01-2017

Heard learned counsel for the petitioners as well
as learned counsel for the opposite party no.2 and learned
counsel appearing on behalf of the State.

This petition for quashing the F.I.R. bearing
Kotwali P.S. Case No.28 of 2014 dated 12.1.2014 registered
under Sections 406, 418, 420, 499 and 500 of Indian Penal
Code.

Allegation in brief in F.I.R. is that the
informant/opposite party no.2 was counsel for the United



Bank of India since the year 2006. In one of the case, the Regional Manager directed him to file a complaint against one of the Loanee who had become defaulter for recovery of loan. The case was pending in the Debt Recovery Tribunal. The informant conducted the case successfully. However, it is alleged that Rs.35,000/- fixed as professional fee was to be paid in three stages. However, in two installments Rs.18,000/- was paid but Rs.11,000/- relating to other legal expenses and rest remaining fee amount was not paid.

Learned counsel Mr. Krishna Prasad Singh appearing on behalf of the petitioners submits that the allegation levelled in the F.I.R. do not constitute prima facie case against the petitioners under Sections 406, 418, 420, 499 and 500 of I.P.C. Petitioner nos.1, 2 and 3, all are senior Bank Officers, moreover, the opposite party no.2, the informant has also entered into compromise and filed a compromise petition. However, only allegation is that the professional fee of the informant was not paid by the Bank though the payment has already been made.

I perused the counter affidavit filed by the opposite party no.2.

Considering the allegations levelled in the F.I.R.



by the informant against the petitioners as well as the compromise petition, I do not find any prima facie case being made out against the petitioners so continuance of his criminal case against the petitioners would be abuse of process of the Court, so the F.I.R. bearing Kotwali P.S. Case No.28 of 2014 dated 12.1.2014 is quashed.

In the result, this quashing petition is allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	
CAV DATE	
Uploading Date	27-01-2017
Transmission Date	27-01-2017

