IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37887 of 2014

Arising Out of PS.Case No. -2420 Year- 2012 Thana -PATNA COMPLAINT CASE District-PATNA

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Kunwar Singh, son of Laxmi Narayan Singh, Resident of Flat No. A. 203, Laxmi Uma Plaza, East Lohanipur, Police Station Kadam Kuan, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, State Bank of Bikaner and Jaipur, R-Block Branch, Chanakya Palace, Police Station Sachiwalaya, District Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Satish Narayan Singh, Advocate.
For the Opposite Party/s : Mrs. Sangita Sharma

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
Date: 06-02-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bank.

2. Petitioner, one of the accused of Sachivalaya P.S. Case No. 110 of 2012 registered under Sections 406, 420, 467, 468 and 120B of Indian Penal Code, seeks quashing of the FIR as well as the complaint which was sent to the police under Section 156(3) Cr.P.C. on the basis of which present FIR was lodged.

3. The brief fact giving rise to the case is that one of the co-accused Rohit Kumar applied for housing loan of Rs. 11,26,424/- to purchase a flat bearing No. 108C, Laxmi Plaza, East Lohanipur,

P.S.- Kadam Kuan, Patna from its owner Kunwar Singh, the present petitioner. The State Bank of Bikaner and Jaipur sanctioned housing loan on 23.11.2010 in the name of Rohit Kumar against his loan account number and loan amount was given to accused No. 1 Kunwar Singh, the petitioner, the flat owner by cheque No. 745424 dated 23.11.2010 for registration of the flat in the name of Rohit Kumar. However, till filing of the complaint in the year 2012, neither document of registered sale deed of the flat was submitted to the bank nor the loan amount was repaid; allegation is that both persons coming into conspiracy, cheated the bank and defrauded public money.

4. Learned counsel for the petitioner submits that allegation in the FIR does not make out any *prima facie* offence, so investigation is not required. Neither it's a case of cheating nor case of making a forged document and the petitioner is the flat owner

5. Whereas learned counsel appearing on behalf of the Bank submits that allegations do make out prima facie offence, Bank was cheated by fraudulent representation by both accused persons, money was paid to the petitioner, the flat owner, but neither flat was registered in favour of loanee Rohit Kumar nor money was returned back to the bank.

6. Having considered the aforesaid rival submissions and

perusal of the record, the court is of the view that allegations do disclose the offence so matter requires to be investigated. Therefore, there is no ground for quashing the FIR as well as complaint. Accordingly, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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