

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35487 of 2014

Arising Out of PS.Case No. -572 Year- 2013 Thana -MUNGER COMPLAINT CASE
District- MUNGER

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Bina Pani Kumari, W/o Sri Ranjeet Singh, R/o village- Old
H.O.R. D.M.C.H. Campus, Darbhanga P.S.- Laheriyasarai,
District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar, S/o Karman Kumar, R/o village- Farda,
Ravi-Rai Tola, P.S.- Ram Nagar, District- Munger.
3. The Branch Manager, PNB, Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.
For the State : Mr. Mayanand Jha (APP)
For the Bank : Mr. Kumar Priya Ranjan, SC
Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 13-03-2018 A supplementary affidavit has been filed on
behalf of the petitioner. Let it be taken on record.

The petitioner, who is the mother of one Sonalika
Kumari, has sought quashing of the order dated 25.09.2013,
passed by the learned Judicial Magistrate, Ist Class, Munger
in connection with Complaint Case No. 572C of 2013,



whereby cognizance has been taken under Sections 380, 420 and 109/34 of the Indian Penal Code.

The opposite party No. 2 had agreed to become a guarantor for the education loan of Sonalika Kumari, who was married to his son. Later, the marriage of Sonalika Kumari with the son of the complainant/opposite party No. 2 was dissolved. The aforesaid Sonalika Kumari, after availing the education loan, completed her studies and got employed. Presently, as intimated to this Court, she is working as a Business Analyst in a multinational firm.

Despite the dissolution of marriage and Sonalika Kumari having availed of the education loan of which the complainant/opposite party No. 2 was the guarantor, no effort was being made to pay off the loan.

Since the complainant/opposite party No. 2 had become a guarantor at the time when the marriage of aforesaid Sonalika Kumari with his son was subsisting, he became apprehensive that in case of non-payment of loan, his property would stand encumbered. As such, a complaint was lodged by the opposite party No. 2 in which cognizance has been taken.

This Court has been informed today by the learned counsel appearing for opposite party No. 2 that the entire loan has been paid off and now there is no outstanding



loan against which opposite party No. 2 had become the guarantor.

The aforesaid statement of opposite party No. 2 is supported by the learned counsel appearing for the Punjab National Bank, which had granted loan.

The opposite party No. 2 is not now desirous of prosecuting the petitioner any further as the only purpose of bringing the complaint was to ensure that he is not put to any disadvantageous position, in case of non-payment of the education loan by the aforesaid Sonalika Kumari. That loan having been discharged, no cause of action remains now for the opposite party No. 2 to contest the complaint case.

Taking all these facts into account, this Court is of the view that no useful purpose would be served in keeping the case alive for prosecution of the petitioner.

As such, the order of cognizance impugned in the present petition and all further proceedings emanating out of the aforesaid order are hereby set-aside.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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