

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.72056 of 2018**

Arising Out of PS. Case No.-456 Year-2007 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Escort Finance Limited, a Public Limited company duly registered under the Companies Act, 1956 and having its Registered Office at SCO 64-65, Third Floor, Sector 17- A, Chandigarh- 160017, through its Authorized Representative Mr. Manish Sharma, Son of Shri Net Ram Sharma, resident of House No. 2755, Sector- 16, Faridabad, Haryana- 121002.
  2. Partha Sarkar, Ex- Managing Director, Escorts Finance Ltd., J- 1812, Chittaranjan Park, New Delhi.
  3. Rakesh Chopra, Ex- Director, Escorts Finance Limited, Resident of C- 204, Sarvodaya Enclave, New Delhi.
  4. Umesh Bannerji, Ex- Director, Escorts Finance Limited, Resident of E-47, Sector-30, NOIDA, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deepa Prasad, C/o Shri H.K. Lal, Resident of Lal Kothi Congress, Maidan Road, Kadamkuan, P.S.- Kadamkuan, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satyavrat Verma  
For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**Date : 07-12-2018**

Heard the parties.

2. This application filed under Section 482 of Cr.P.C. for quashing of the order taking cognizance dated 04.02.2008 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Patna in Complaint Case No. 456(C) of 2007 by which learned court below has taken cognizance of the offences under Sections 420 and 120B of I.P.C.

3. Complainant-opposite party No. 2 has alleged in his



complaint petition that he had invested in the scheme of company through its Patna Branch Office for value of Rs. 51433/- but nothing was paid after maturity of the amount and when payment was not made by the petitioner company he filed the present complaint case and after his examination on S.A. and evidence of Enquiry witnesses the court below took cognizance of the offence under Sections 420 and 120B of I.P.C. by order dated 04.02.2008 against the petitioners and Directors of the Company as impugned in this petition.

4. It has been submitted on behalf of the petitioners that the company has paid fully and finally all the maturity amounts to the complainant-opposite party No. 2 by demand draft and in lieu of such payment of maturity amount the petitioner company was also given discharge certificate by the complainant. The complainant-opposite party No. 2 has appeared and filed Vakalatnama accepting the full and final settlement between the parties and he has given a discharge certificate and he does not want to pursue the matter any further.

5. In the facts and circumstances of the present case the entire amount due to complainant has been paid and in respect of which discharge certificate has been given by the complainant-opposite party No. 2 who has appeared and has



accepted the same. Accordingly in the interest of justice the order taking cognizance dated 04.02.2008 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Patna in Complaint Case No. 456(C) of 2007 as well as whole proceeding arising out of said Complaint Case is quashed.

6. This application stands allowed.

**(S. Kumar, J)**

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