

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.321 of 2014

Arising Out of PS.Case No. -285 Year- 2013 Thana -BUDDHACOLONY District- PATNA

1. Nayyar Khurshid Son Of Dr. M.K. Haque Resident Of Flat No. 406, Surya Vihar, Exhibition Road, P.S.- Gandhi Maidan, Town & District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sri Pradeep Kumar Sinha Son Of Late Ramakant Prasad Sinha Unit Head, M/S Sahara India Mass Communication, Sahara India Vihar Office, 7th Floor, Boring Road Crossing, P.S.- Buddha Colony, Town & District- Patna.

.... Opposite Party/s

with

Criminal Miscellaneous No. 7983 of 2014

Arising Out of PS.Case No. -285 Year- 2013 Thana -BUDDHACOLONY District- PATNA

1. Md. Tahir

2. Md. Shamim Both Sons Of Md. Ali Haider Both Residents Of Sultanganj, P.S. Sultanganj, Town And District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.

2. Mr. Pradeep Kumar Sinha, Unit Head, M/S Sahara India Mass Communication, Patna, Sahara India Vihar Office, 7th Floor, Boring Road, P.S. Buddha Colony, Patna (Bihar).

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.321 of 2014)

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
Mr. Rajesh Mohan, Adv.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.7983 of 2014)

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
Mr. Rajesh Mohan, Adv.

For the Opposite Party no. 2: Mr. Ramakant Sharma (Sr. Adv.)
Mr. Abhimanyu Vatsa, Adv.

For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 10-01-2018



Heard the learned counsel for the petitioners, the informant and the State.

The present petition is for quashing of the F.I.R. of Budhacolony P.S. Case No. 285/2013, corresponding to G.R. No. 7065 dated 30.11.2013, which has been instituted for the offences under Sections 409, 420, 467, 468 and 120B of the Indian Penal Code.

The sum and substance of the allegation in the subject F.I.R. is that the petitioner, Nayyar Khurshid, in his capacity as Marketing Agent of a newspaper, viz. Roznama, as well as petitioners, viz. Md. Tahir and Md. Shamim, in the capacity of assistants of petitioner, Nayyar Khurshid, embezzled a huge amount of the company, of which the informant is the Unit Head at Patna. The modus operandi, as stated in the F.I.R., is of the petitioners receiving amounts from various organizations for advertisement, but not depositing the same in the account of the company.

Mr. Suraj Samdarshi, learned Advocate for the petitioners, has submitted that an absolutely false case has been lodged against him. In fact, the petitioner, Nayyar Khurshid, was only the Marketing Agent, who later rose up to the rank of Unit Head of the Urdu Daily, viz. Roznama. Merely because he had brought to the fore the irregularities in conducting the affairs of the company that he lost his job and was also saddled with the present criminal



prosecution. The cheque of Rs. 32 lakhs, which was deposited by him in favour of the company, was not honoured for the reason that the petitioner, Nayyar Khurshid, had given instructions to his Banker to withhold the payment as the cheque was issued on the assurance of the informant and the company of making good the aforesaid amount of cheque. When he realized that it was only an empty promise, he perforce had to write to his Banker for stopping the payment.

In any view of the matter, considering the fact that a case was registered on the complaint of opposite party no. 2 and investigation proceeded, it is only required of the investigating agency to bring the investigation of this case to a logical conclusion.

It appears that the case was lodged in the year 2013 and the investigation is still pending conclusion. The investigation of a criminal case cannot be allowed to be continued for eternity. The present petition has been filed in the year 2014 and this Court has not been provided with any information regarding the stage of investigation or the progress in the same.

Under such circumstances, it is directed that the investigating agency shall conclude the investigation of the case as expeditiously as possible, preferably within a period of four months from the passing of this order. In case, the investigation is not concluded by the aforesaid period, it would be open for the petitioners



to approach this Court again for necessary relief. Since the case has been continuing for very long, the interim protection which has been granted shall continue till the conclusion of the investigation.

However, it is made clear that the order shall not come in the way of the petitioners and the informant sitting across the table and settling their disputes. In case, such a settlement takes place, the investigating agency shall also take into account the aforesaid fact, while investigating the matter. Needless to state that the petitioner shall co-operate with the investigating agency.

The present petition is disposed off with the aforesaid observation.

(Ashutosh Kumar, J.)

Rakhi

AFR/NAFR	
CAV DATE	N. A.
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