

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42969 of 2011

=====

Sri Vikas Gujral, S/O Sri R.C. Gujral, Senior Vice- President, Head Customer Service and Operations, Max New York Life Insurance Co. Limited, Add: 90-A, Udhog Vihar, Gurgaon , Haryana

... .. Petitioner

Versus

1. The State of Bihar.
2. Sri Amar Sinha, S/o Late Kameshwar Pd. Sinha, resident of "Fort Munger", P.S. Kotwali, Distt. Munger

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate Mr. Dayanand Singh, Advocate
For the State	:	Mr. Bipin Kumar, APP
For Opposite party no.2	:	Mr. Amit Shrivastawa, Advocate Mr. Girish Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 27-02-2019 Heard learned counsel for the parties.

2. The Court below has taken cognizance in Complaint Case No.1260-C of 2010 for offence punishable under Sections 420, 467, 471, 409 and 120B of the Indian Penal Code.

3. In the complaint petition, allegation has been made that Nitesh Kumar Sinha (Insurance Agent), accused no.5, approached the Complainant to purchase a Policy from Max New York Life Insurance Company Limited. Manoj Kumar, Manager (Sales) gave rough details about insurance policy,



terms and conditions also allegedly confirmed by Vikash Gujral, Vice President and Analjeet Singh, Chairman, Max New York Life Insurance Company Limited. The complainant gave a cheque of Rs.50,000/- of Union Bank of India, Branch- Munger. Whereafter, the complainant received the Form of Proposal No. 825561731, upon which the complainant has put his signature at two places in presence of witnesses. The complainant received letter dated 04.09.2010 from the Company on 28.09.2010, showing that complainant has to pay the installment for whole Life Insurance Policy and the policy document was also attached. Whereafter, the complainant sent a legal notice upon Manoj Kumar Manager (Sales), as a result of which, Manoj Kumar and Nitesh Kumar Sinha took the original policy documents with the assurance to return the invested amount along with compensation and a receipt was also handed over to the complainant, but till date they have not returned the amount. Whereafter the complainant approached to Manoj Kumar and Nitesh Kumar Sinha, who refused to make payment of the said amount, led to lodging of the criminal case.

4. This Court vide order dated 24.04.2013 rejected this quashing petition, which was challenged before the Hon'ble Supreme court in Special Leave Petition (Cr.) No.4212 of 2013



(Criminal Appeal No.1852 of 2013) and the Hon'ble Supreme Court vide order dated 25.10.2013 set aside the order of this Court and remanded back the matter for fresh consideration.

5. Learned counsel for the petitioner submits that during the pendency of this petition the parties have entered into a compromise and filed a Compromise Petition before the Chief Judicial Magistrate, in Complaint Case No.1260-C of 2010.

6. Learned counsel for the opposite party no.2 accepted the submission of learned counsel for the petitioner and in a clear cut manner he stated that the parties have entered into the compromise and opposite party no.2 is no longer interested to continue the litigation before the Court below.

7. This matter is related to financial dispute between the parties. When the parties have settled the score by entering into the compromise, in such circumstance, the continuation of the proceeding before the Court below will be nothing but an abuse of process of law. Reliance can be place on the decision of the Hon'ble Supreme Court rendered in the case of ***Parbatbhai Aahir @ Parabatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and Another*** reported in ***(2017) 9 SCC 641***, wherein it has been held that the High Court can exercise the



power as per Section 482 of the Criminal Procedure Code when the Court feels necessary in order to prevent the abuse of process of law or to secure the ends of justice. In the present case, the parties have entered into the compromise, so at the end nothing would survive for the adjudication before the Court below when the complainant himself has not shown his interest to continue with the proceeding before the Court below.

8. In such view of the matter, the order of cognizance dated 14.03.2011 passed by the learned Chief Judicial Magistrate, Munger, in Complaint Case No.1260-C of 2010, is hereby quashed. Accordingly, this quashing petition allowed.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--

