IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78874 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- KOTWALI District- Patna

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1. VIVEK @ VIVEK D PANDEY Son of Late Dhruv Deo Pandey Manger, At Axis Bank Limited, Having Office at Patna Main Branch, Opposite, S.P. Verma Road, P.S.- Kotwali, Distt - Patna - 800001, Bihar.
2. Manoj Kumar Tiwari Son of Late Murali Manohar Tiwari Deputy Vice President and Branch head, At Axis Bank Limited, Having Office at Patna Main Branch, Opposite, S.P. Verma Road, P.S.- Kotwali, Distt - Patna - 800001, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Dayanand Prasad Sinha Son of Dayanand Prasad Sinha Contractors and Engineers Janta Path, Kankarbagh Road, P.S.- Kankarbagh, Patna. - 20.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Dayanand Singh
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-12-2019 This application has been filed for quashing of FIR of Kotwali P.S.Case No.78 of 2018 pending in the court of the learned Chief Judicial Magistrate, Patna under Section 406, 409 and 120(B) of the Indian Penal Code.

Grounds for quashing of the FIR is that no case is made out against the petitioners, as they are employees of the Axis Bank and dispute is with respect to MAX Insurance Policy issued by the MAX Insurance Company and further ground is that Axis Bank has not been made party in this case, as such no case is made out against the petitioners.

On the other hand learned counsel for the O.P.no.2 has opposed this application on the ground that this Court sparingly interfere in the matter of quashing of the FIR and in the present case, FIR discloses that the informant had a talk with another accused person of having a policy of MAX Insurance but without any instruction from the informant, petitioners have being Bank officials deducted the amount from his account and transferred to the MAX Insurance Company, which the informant came to know only after receipt of the policy as he has given his consent for that, as such *prima facie* the case is made out against them under Section 406, 409 and 120(B) of the IPC.

Having heard both sides. So far quashing of the FIR is concerned, it is well settled that this Court generally does not interfere in the investigation and orders for quashing of the FIR except under extraordinary circumstances on the ground of *mala fide* or FIR does not disclose/constitute a cognizable offence or on the very face value, contents of the FIR are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused or unless the same is barred under any statutes. In present case, there is allegation against the petitioners that in conspiracy with the other accused persons, they transferred the amount from his account without his consent. As such, there is allegation against the petitioners which is subject matter of investigation.

In view of the above, I find no merit in this application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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