

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53102 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- MANER District- Patna

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1. Sushil Kumar, S/o Late Brajbhushan Singh, R/o Talimpur, P.S.- Madhuban, District- East Champaran.
 2. Sudhir Kumar, S/o Sudama Mistry @ Sudama Sharma, R/o Chitkohra Basti, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Budhheo Kumar, S/o Bihari Rai, R/o West of Flour Mill Digha, P.S.- Digha, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Adv.
For the O.P. No. 2	:	Mr. Badari Narayan Singh, Adv.
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 12-03-2021 Heard Mr. Patanjali Rishi, learned Advocate for the petitioners and Mr. Badari Narayan Singh, learned Advocate for the opposite party No. 2. The State is represented by Mr. Dinesh Singh, learned APP.

This is an application seeking quashing of the F.I.R. of Maner P.S. Case No. 109 of 2018, dated 18.03.2018, instituted for the offences under Sections 386, 420, 406, 120B and 34 of the Indian Penal Code.

The learned counsel for the petitioners has



submitted that from the bare reading of the F.I.R., it would appear that the dispute between the parties had arisen only because the opposite party No. 2 had not repaid the loan as per the agreement and had been continuously evading the payment of installments.

In support of the aforesaid statement, the learned counsel for the petitioner has drawn the attention of this Court to the computer generated account-sheet, reflecting huge arrears against opposite party No. 2.

Apart from this, it has been stated that any dispute occurring between the parties which arises out of a loan or hypothecation agreement is always subject to arbitration as per Clause 15 of the agreement. Apart from this, it has also been submitted that the petitioners are office bearers of the company which had advanced loan to opposite party No. 2 and only when the loan was not paid and an action was taken against the opposite party No. 2, that this case has been filed.

However, this Court would not like to give a short-shrift to the investigation of this case.



There is every possibility that if the case is investigated, it might be end up in a report which could be beneficial for the petitioners.

Considering this aspect of the matter, I am not inclined to interfere with the investigation of this case, which is the plenary function of the police. This Court has also taken note of the fact that the petitioners have been granted anticipatory bail after the institution of the present case.

The prayer for quashing of the subject F.I.R., therefore, is rejected.

However, the investigating agency is directed to conclude the investigation positively within a period of three months from the date of receipt/production of a copy of this order before the investigating officer of this case.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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