

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13843 of 2023

Arising Out of PS. Case No.-1012 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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SUNIL PANDEY Son of Late Srinivas Pandey R/v and Post Office- Mohan
Darwan, P.S.- Sonhan, District- Kaimur (Bhabua).

... .. Petitioner

Versus

1. The State of Bihar
2. HDFC Bank Ltd. Through authorized representative namely Achlesh Kumar Roy Son of Late Tej Bahadur Roy, Presently posted as Legal Manager and the Authorized Person, having its Office address as M/S HDFC Bank Ltd., 2nd Floor, Rajendra Ram Plaza Exhibition Road, Patna- 800001

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Garg, Advocate
For the State	:	Mr. Uma Shankar Pd. Singh, APP
For the Opp. Party No.2	:	Mr. Dayanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 28-03-2023 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

no.2-HDFC Bank Ltd.

This application has been filed for quashing of the

entire proceeding of Complaint Case No. 1012 (C) of 2022

registered for the offence under Section 138 of the Negotiable

Instruments Act including the order dated 26.04.2022 passed by

learned Sub Judge-cum-ACJM, VIII, Patna, by which the

learned Magistrate has taken cognizance against the petitioner

for the offence under Section 138 of the Negotiable Instruments

Act.



Learned counsel for the petitioner has handed over a demand draft of Rs.70,000/- to Sri Dayanand Singh, learned counsel for the HDFC Bank as full and final settlement in the matter.

It has been submitted by Sri Dayanand Singh, learned counsel for the Bank that the Bank has no more claim against the petitioner and the bank will not proceed further in the subject matter for which the complaint case was filed.

In such view of the aforesaid facts, this application is allowed.

Accordingly, the Complaint Case No. 1012 (C) of 2022 registered for the offence under Section 138 of the Negotiable Instruments Act and all consequential proceedings arising out of the said complaint case including the order dated 26.04.2022 passed by learned Sub Judge-cum-ACJM, VIII, Patna, are quashed in the interest of justice.

The apprehension of learned counsel for the petitioner that No Objection Certificate and blank cheques lying with the Bank may not be handed over to the petitioner is seems to be unfounded. It is not expected form the H.D.F.C. Bank that they will act in such a manner.

As and when the petitioner approaches the HDFC



Bank for No Objection Certificate and the return of his blank
cheques, necessary steps for issuing No Objection Certificate
and returning of the blank cheques shall be taken by the Bank.

(Sandeep Kumar, J)

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