

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48908 of 2017

Arising Out of PS. Case No.-720 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Mohan Himat Singka Son of Late Jeevan Himat Singka, Director Maurya Motors Limited, C-1, Industrial Area, Patliputra, District Patna Bihar, Resident of 401, Jay Shree Complex, Nageshwar Colony, P.S. Budha Colony, Town and District- Patna, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sohail Khan, Son of Late Tauhid Hussain Khan, Resident of Mohalla Charhazar, P.S. Maner, District Patna, Power of attorney holder of Haseeb Khan, Son of Late Tauhid Hussain Khan, Resident of Mohalla Charhazar, P.S. Maner, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 04.07.2017 passed by Smt. Ritu Kumari, learned Judicial Magistrate 1st Class, Patna in Complaint Case No.720© of 2017, whereby cognizance of offences under sections 406 and 420 of the Indian Penal Code has been taken.

3. The learned counsel for the petitioner submits that the O.P. No.2 herein had instituted Complaint Case No.720(c) of



2017 alleging therein that he had purchased a truck bearing registration No. BR01GE9292 in 2015 with the financial assistance provided by Tata Motors Finance Limited, the said vehicle was insured by the accused no.5, namely, M/s Tata AIG Insurance Company, it is next alleged that the vehicle met with an accident, thereafter the vehicle was seized by Yahiyapur police station but was subsequently released on 22.02.2016, and thereafter, the vehicle was sent to the workshop of Maurya Motors, Bihta on 24.02.2016, it is next alleged that thereafter the O.P. No.2 informed the accused no.6, namely, Rajiv Ranjan Jha, authorized representative of TATA AIG Insurance Company about the accident and the insurance company informed that accident was within the period of insurance, as such, all costs would be covered by the insurance company, further when the complainant presented the receipt of the cost for insurance claim, the accused no.6 started to evade the matter, as such, it is alleged that the complainant was cheated by the insurance company. The learned counsel for the petitioner submits that the petitioner is Director of Maurya Motors, Bihar, where the vehicle of the complainant was sent for repair. It is next submitted that the dispute was between the complainant and the insurance company but the petitioner in a mechanical manner



was implicated in the complaint case, on the allegation that the vehicle was repaired by the workshop, of which, the petitioner is a Director.

4. The learned counsel for the petitioner further submits that even the dispute has been resolved and NOC has already been issued by Tata finance company, in favour of the O.P. No.2, on 09.08.2018, when he was alive, as such, the claim of the O.P. No.2 stands redressed. The learned counsel for the petitioner next relies on an order dated 22.08.2023 in Cr. Misc. No.62740/2018 (M/s Tata Motors Finance Ltd vs. State of Bihar & Anr.) to submit that the case against the finance company was quashed.

5. The learned APP opposes the quashing application but is not in a position to rebut the submission of the learned counsel for the petitioner with respect to order dated 22.08.2023 in Cr. Misc. No.62740/2018.

6. Considering the submissions made by the learned counsel for the petitioner and taking into consideration the order dated 22.08.2023 in Cr. Misc. No.62740/2018, the order dated 04.07.2017 passed by Smt. Ritu Kumari, learned Judicial Magistrate 1st Class, Patna in Complaint Case No.720© of 2017, whereby cognizance of offences under sections 406 and 420 of



the Indian Penal Code has been taken is hereby quashed.

(Satyavrat Verma, J)

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