

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29860 of 2023

Arising Out of PS. Case No.-901 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Poonawalla Fincorp Ltd. (Formerly Known As Magma Fincorp Ltd.) Through Mr. Gopal Jee) Son Of Ramanugrah Singh Having Its Registered Office At 201 And 202, 2nd Floor, Apbi, Koregaon Park Annex, Mundhwa, Pune-411036 And Branch Office At Rajendra Ram Plaza, 1st Floor, B Block - 101 And 102, Exhibition Road, Patna-800001 Represented Through Authorised Representative And Assistant Manager Legal R/O Village- Nauwagarhi, Charoun, Nauagarhi, P.S.- Bariarpur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumari Devi Wife Of Munna Singh R/O Gaighat, P.S.- Harsidhi, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dayanand Singh
For the Opposite Party/s	:	Dr.Mrityunjaya Kr.Gautam, APP
For the Complainant	:	Mr. Ravi Shankar Ray, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 2 08-05-2023 This application has been filed for quashing the order dated 13.01.2022 passed by learned J.M.F.C. East Champaran in Complaint Case No. 901 of 2021 (Enq. No. 161/2021) whereby learned Court below has been pleased to take cognizance under Section 323, 341, 380 and 504/34 of the I.P.C. against the petitioner's company, its employees and managing directors.

It is alleged by the complainant that her son, namely, Umesh Kumar purchased a tractor by obtaining loan from Magma Fincorp Ltd. (Now known as Poonawalla Fincorp Ltd)



and a trailer was made at approx Rs. 1,45,000/-.

The complainant further alleged that loan was being paid regularly by the son however, during covid-19, monthly installment of 4-5 months was not paid. In 2020, during the lockdown, the R.B.I on 27.03.2020 issued a circular on 27.03.2020, 17.04.2020 and 23.05.2020 and directed the finance companies to not recover loan from borrowers from March, 2020 to August, 2020 and directed the finance companies to provide moratorium to borrowers. Complainant further alleged that accused no. 1 and 2 namely Ajay Dubey and Amit Mishra respectively contacted the son and obtained a written application for moratorium and assured that moratorium has been granted from March, 2020. On 15.02.2021, accused persons came to house of Complainant and tried to take tractor along with him to which the son of the complainant has objected them then accused persons inform the son of the complainant that the installment of the loan is not being paid on time upon which the son informed them that he is paying the loan amount regularly to which the accused persons did not listen to him and took the tractor by showing Desi Katta and when the complainant and son visited the company then Accused No.1 and 2 namely Ajay Dubey and Amit Mishra respectively threatened them.



It has been jointly submitted by learned counsel for both the parties that the parties have settled their dispute.

In view of the above, this application is allowed and the dated 13.01.2022 passed by learned J.M.F.C. East Champaran in Complaint Case No. 901 of 2021 (Enq. No. 161/2021) is hereby quashed.

(Sandeep Kumar, J)

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