

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62740 of 2018

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

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1. M/s. Tata Motors Finance Ltd., Through Mritunjay Choudhary, Authorised Representative, Patna and An S/o Late Umesh Chandra Choudhary, Authorised Representative, Branch Office, 601, 602, 6th Floor Kashi Place, near Dak Bunglow Chowk, P.S. Kotwali, Patna- 800001.
 2. Ritvik @ Ritwiz @ Ritwiz Kumar, S/o Vinod Kumar Gupta, aged about 32 years, 2H/77-B.H. Colony, Bhutnath Road, Near NMCH, Kankarbagh, P.S.- Agamkuan, Patna- 800026, presently working as Branch In charge and Territory Collection Manager, TATA Motors Finance Ltd.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sohail Khan aged about 50 years, s/o Late Tauhid Hussain Khan through Power of Attorney holder Haseeb Khan, S/o Late Tauhid Hussain K R/o Town/Vill Mohalla Charhazar, P.O. , P.S.- Maner, District- Maner- 801108.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing/setting aside the cognizance order dated 04.07.2017 passed in Complaint Case No. 720 (C) of 2017 by which learned Judicial Magistrate, 1st Class, Patna has taken cognizance under Sections 406 and 420 of the Indian Penal Code, 1860.

3. As per prosecution, complainant purchased a truck bearing registration no. BR01GE-9292 in 2015 with the financial assistance by the petitioner no. 1/accused no. 3,



namely Tata Motors Finance Limited. The said vehicle was insured by the accused no. 5, namely M/s Tata AIG Insurance Company Ltd. The said vehicle met with an accident and released from Muzaffarpur, Yahiyapur Police Station on 22.2.2016 and subsequently the vehicle was submitted to the workshop of Maurya Motors, Bihta on 24.02.2016. Thereafter, complainant informed 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 and all costs will be covered by the insurance company. It is further alleged that complainant presented the receipt of the cost for insurance claim, the accused no. 6 started to evade the matter. After that, petitioner no. 2 along with other accused demanded the installments in capacity of representative of accused no. 3. He further alleged that he being cheated by the petitioners. Nor the truck was repaired nor insurance claim is being paid.

4. In the office note, it has come that complainant has died.

5. This application is disposed of on the submission of learned counsel for the petitioners that NOC has already been issued to the opposite party no. 2 on 09.08.2018.



6. In this view of the matter, nothing survives more,
this application is allowed.

7. The order dated 04.07.2017 passed in Complaint
Case No. 720 (C) of 2017 is hereby quashed with respect to the
petitioners.

(Sandeep Kumar, J)

Ranjeet/-

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