

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74433 of 2018

Arising Out of PS. Case No.-950 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

-
1. Jasmit Singh Gujral, Son of Late Shri Lakhmir Singh Gujral presently the non-executive director of Shriram General Insurance Compnay Ltd. At E-8, EPIP, RHCO Industrial Area, Sitapura, P.S. Sanganer, Jaipur-302022 (Rajasthan).
 2. Anil Kumar Aggarwal, Son of Late Shri Balwant Rai Aggarwal presently the managing director and Chief Executive officer of Shriram General Insurance Compnay Ltd. At E- 8, EPIP, RHCO, Industrial Area, Sitapura, P.S. Sanganer, Jaipur-302022 (Rajasthan).
 3. Neeraj Prakash, Son of Shri N.P. Sinha presently Managing Director in Shriram General Insurance Company Ltd. at E- 8, EPIP, Industrial Area, Sitapura, P.S. Sanganer, Jaipur-302022 (Rajasthan).
 4. Gurdeep Singh Son of Late Shri Lakhmir Singh Gurrall presently vice President Claims Audit, Shriram General Insurance Company Ltd. At E- 8, EPIP, Industrial Area, Sitapura, P.S. Sanganer, Jaipur-302022 (Rajasthan).
 5. Ajay Piramal, Son of Late Shri Gopikisan Piramal Presently Chairman Shriram Capital Ltd. having it's office at Piramal Enterprises Limited Peninsula Corporate Park, Piramal Tower, 10th Floor, Ganpatrao Kadam Marg, Lower Parel, Mumbai 400013.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Anand Kumar Agrawal Son of Dungar Mal Agrawal Resident of Bara Bazar, Katihar, P.S. Town, Distt.-Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal Mr. Alok Kumar Jha Mr. Mukund Kumar
For the Opposite Party/s :		Mr. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 26-06-2023 Heard learned counsel for the parties.

This application is filed for quashing of the order
dated 02.07.2018 by which learned Judicial Magistrate, 1st
Class, Katihar has taken cognizance against the petitioners in



Complaint Case No. 950 of 2017 for the offence under Sections 418, 420, 406/34 of the Indian Penal Code.

As per prosecution, the opposite party no. 2 purchased one truck bearing model number LPT 2515, Registration No. WB-59A/2151, engine no.-901462780984 chassis number-MT-42603192H12064. It is alleged that accused no. 1 who happens to be branch manager of the company Shriram General Insurance Company Ltd. at Purnea approached the complainant/ opposite party no. 2 at his residence and proposed to obtain insurance of the truck for an amount of Rs. 8,79,000/-. It is further alleged that O.P. No. 2 was also called at Purnea office where other accused persons also satisfied the opposite party no. 2 regarding registration of the company as well as policy related documents. On the assurance given by the accused persons the O.P. No. 2 has accepted the proposal and deposited the amount of premium and obtained policy number 10003/31/16/489/891. It is further alleged that on 10.05.2016 when the truck met with an accident and got fully damaged in connection with Bagdogra P.S. Case No. 101/2016. It is further alleged that when opposite party no. 2 lodged a claim with the accused persons vide claim no. 10003/31/16/489/891 IRDA. The accused persons assured opposite party no. 2 that payment of Rs. 8,79,000/- will be paid



within a month and they are harassing the opposite party no. 2 by making him run either Jaipur office or Purnea office. Then a Complaint Case No. 950 of 2017 was registered against the accused persons.

Learned counsel for the petitioner submits that no criminal offence is made out without admitting his any liability. The amount of damage which has been assessed by the surveyor is being paid by the insurance company to the opposite party no. 2. Learned counsel for the opposite party no. 2 accepts the same under protest and he submits that he may have liberty to file case in the consumer forum.

Accordingly, this application is allowed.

The order dated 02.07.2018 passed against the petitioners in Complaint Case No. 950 of 2017 is hereby quashed.

The opposite party no. 2 has given liberty to proceed in the consumer forum for his grievance in addition to the amount received by the opposite party no. 2 if the opposite party no. 2 succeeds in the consumer forum the amount of Rs. 2,70,000/- shall be deducted by any insurance company which is awarded by Consumer forum. It is however clarified that the claim of the opposite party no. 2 as not been dealt by this Court



in any manner. If such an application the insurance company will also have liberty to taking all objections including objection on limitation in the consumer forum or any forum where opposite party no. 2 approaches.

(Sandeep Kumar, J)

Ranjeet/-

U		T	
---	--	---	--

