

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35529 of 2019

Arising Out of PS. Case No.-3485 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

-
1. Shri Ashok Kumar Pradhan S/O Dhaneshwar Pradhan Managing Director, United Bank Of India, Head Office 11 Hemanta Basu Sarani, P.S.- Hare Street, Kolkata-700001 (W.B.).
 2. Shri Kanwaljit Shorey S/O Late Sham Sunder Shorey Chief Regional Manager, United Bank Of India, Abhay Bhawan 2nd Floor Frazer Road, P.S.- Kotwali, District- Patna-800001 And Presently Posted As Deputy General Manager, Priority Sector, United Bank Of India, Head Office, 11, Hemanta Basu Sarani, Kolkata-700001 (W.B.).
 3. Sumit Ghosh @ Sumit Basu S/O Late Gouranga Lal Basu Chief Manager United Bank Of India, Patna Branch Station Road, Patna, Post Box No. 32, P.S.- Kotwali, Patna-800001, And Presently Posted As Chief Manager, Msme Loan Vertical, United Bank Of India, Head Office, 11, Hemanta Basu Sarani, Kolkata- 700001 (W.B.).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandi Prasad Lal Das S/O Late Panchananlal Das Resident Of Mohalla-S.D.O. Road, Hajipur, Vaishali And Table No. 38, First Floor D.B.A. Building, Civil Court Hajipur, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv Mr. Shyam Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-07-2023 This is an application for quashing the order of summoning/cognizance and issuance of process dated 14.02.2019 passed in Complaint Case No. C.R. 3485 of 2018 by the learned A.C.J.M.-X, Vaishali at Hajipur by which the petitioners have been summoned to stand trial for the offence under Section 406, 420 and 120B of the I.P.C.



2. Heard the parties.

3. The following order was passed on 26.07.2019:-

“The petitioners who are the employees of United Bank of India seek quashing of the order dated 14.02.2019 passed in connection with C.R.-3485/2018 whereby cognizance has been taken against them under Sections 406, 420 and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioners that on perusal of complaint petition, it would appear that the allegation against the petitioners is of charging more amount as interest for the education loan which was taken by the complainant/opposite party no. 2. It has been alleged in the complaint petition that notwithstanding the fact that there was a subsidy of the Government, which amount had to be deducted from the loan amount, a higher rate of interest has been charged on the corpus of the loan. It is alleged that interest ought to have been charged only on the amount after deduction of the subsidy amount.

Learned counsel for the petitioners submits that this is a matter which could be reconciled and if no interest or lesser interest is chargeable from opposite party no. 2, necessary orders can be passed. However this is not a matter which would entail a criminal prosecution.

Mr. Yogesh Chandra Verma, learned senior advocate has appeared on behalf of opposite party no. 2 and prays for sometime to respond to the petition seeking quashing of the charge.

Re-notify on 09.08.2019 at 03:30 P.M.

In the meantime, further proceedings in the court below with respect to the petitioners in connection with C.R.-3485/2018 shall remain stayed.”

4. From reading the complaint, it appears that the criminal case has been filed with mala-fide intention against the bank officials and if there was dispute between the Bank and the O.P. NO. 2, it would be a civil dispute for which the O.P. No. 2 should have approached the ombudsman or any authority



including Consumer Forum.

5. The malicious prosecution launched by the O.P. NO. 2 against the responsible officers of the Bank with false and frivolous allegations and the order dated 14.02.2019 passed in Complaint Case No. C.R. 3485 of 2018 passed by the learned A.C.J.M.-X, Vaishali at Hajipur is hereby quashed.

(Sandeep Kumar, J)

Shishir/-

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

