

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3358 of 2022

Arising Out of PS. Case No.-192 Year-2016 Thana- SHEOHAR District- Sheohar

CHANDAN KUMAR S/O SITA SARAN SINGH Resident of Basara Shukul,
Muzaffarpur, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Raj Kumar Singh S/o Late Hitan Singh R/o Village and P.O.- Fatehpur, P.S.-
Sheohar, District- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Shivendra Kumar Roy, Advocate
For the State	:	Mr. Upendra Kumar, APP
For Opposite Party No.2	:	Mr. Krishna Murari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 20-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Opposite Party
No. 2.

2. This application has been filed under Section 482
of the Code of Criminal Procedure, 1973, on behalf of the
petitioners for quashing the order dated 21.12.2020 passed by
the court of learned C.J.M., Sheohar, in Sheohar P.S. Case No.
192 of 2016 whereby the learned Magistrate took cognizance of
offences punishable under Sections 420, 406 and 120B of the
Indian Penal Code against all the accused persons, including this
petitioner.

3. The prosecution story in brief is that the



informant/Opposite Party No. 2 gave six blank cheques to this petitioner, in order to get loan to buy a vehicle but thereafter this petitioner neither gave the loan in question nor returned the cheques.

4. Pursuant to the order dated 14.09.2023 passed by this Hon'ble Court, Mr. Shivendra Kumar Roy, learned counsel appearing on behalf of the petitioner, returns the six blank security cheques to Mr. Krishna Murari, learned counsel appearing on behalf of the informant/Opposite Party No. 2, which were said to have been issued by the informant/Opposite Party No. 2 in favour of Mahindra and Mahindra Financial Services Company.

5. It is submitted by learned counsel appearing on behalf of the petitioner that as a matter of fact, the informant/Opposite Party No. 2 had applied for a loan from the company to which this petitioner is an employee. After inspection, it was found that the informant/Opposite Party No. 2 was not in a financial position to return the loan, due to which the loan was not granted to him. It is next submitted that only with a view to pressurize this petitioner to return the six blank security cheques, this false and concocted case has been lodged. It is further submitted that there is no allegation of cheating and



misappropriation done by the company or this petitioner and as such, continuation of the proceedings against this petitioner would amount to abuse of the process of court.

6. Learned counsel appearing on behalf of informant/Opposite Party No. 2 does not dispute the submissions advanced on behalf of the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner has already returned the six blank security cheques issued by the informant/Opposite Party No. 2 in the court and no *lis* remains between the parties, continuation of criminal proceedings against this petitioner would amount to abuse of the process of law.

8. Accordingly, in order to secure the ends of justice and to prevent the abuse of process of court, the order dated 21.12.2020 passed by the learned C.J.M., Sheohar, in Sheohar P.S. Case No. 192 of 2016, is hereby quashed with respect to this petitioner.

9. Accordingly, this quashing application is allowed.

(Prabhat Kumar Singh, J)

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