IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14762 of 2021

Arising Out of PS. Case No.-865 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE District- Muzaffarpur

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1. Pramod Kumar S/O Deonath Rai Posted As Hp (Hypothecation) Manager In Ideal Dealers Pvt. Ltd, Having Its Office At Bhagwanpur Chowk, P.S-Sadar, Muzaffarpur, 842001.
2. Dinesh Tiwari S/O Rangnath Tiwari Posted As Territory Incharge In Ideal Dealers Pvt. Ltd, Having Its Office At Bhagwanpur Chowk, P.S Sadar, Muzaffarpur 842001

... ... Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Syed Arshad Raza S/O Syed Ahmad Raza Gram And P.O-Bhikhanpur, P.S-Ahiyapur, District-Muzaffarpur, Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dayanand Singh
For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-04-2025 Heard the learned counsel for the petitioners and the learned APP for the State.

2. Learned counsel for the petitioners has submitted that the O.P. No. 02 has died.

3. This is an application for quashing of the cognizance order dated 09.03.2018 passed by the learned ACJM-XIII, Muzaffarpur in Complaint Case No. 865 of 2017 by which the Court below took the cognizance for the offences punishable under Sections 406, 417, 385 of the Indian Penal Code.

4. The brief facts of the case are that the complainant went to Ideal Dealers Private Limited to buy a Hyva. The employee and manager took advantage of his limited education and influenced him to get a loan from Tata Motors Finance Ltd. instead of a bank, highlighting its benefits. The complainant left the showroom saying he needed two to three days to think. Later, employees from both Ideal Dealers Pvt. Ltd. and Tata Motors Finance visited his home, pressuring him to take the loan. He received a loan of Rs. 14,40,000 and was asked to sign four blank cheques and multiple documents without explanation of their details. The complainant used his earnings from driving the vehicle to pay off the loan. However, in July, heavy rain prevented him from using the vehicle, leading to missed payments. On August 10, 2016, employees Dinesh Tiwari and Kumar Anand seized the vehicle, claiming he owed a fine of Rs. 60,000 for non-payment. The complainant paid this fine and got the vehicle back after 22 days. Tiwari and Anand also demanded Rs. 10,000 from him. Due to delays in making payments during demonetization, the vehicle was repossessed again and returned only after 62 days, with the complainant forced to pay Rs. 1,00,000 as ransom. During this time, he lost Rs. 3,50,000 and was threatened to pay Rs. 3,00,000 more or face seizure and auction of the vehicle.

5. It has been submitted by the learned counsel for the petitioners that the matter has been settled between the parties and the Company has given NOC to the informant.

6. In view of the settlement between the parties, this application is allowed.

7. Accordingly, the entire criminal proceedings arising out of the Complaint Case No. 865 of 2017 including the order taking cognizance dated 09.03.2018 is hereby quashed.

(Sandeep Kumar, J)

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