IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5100 of 2019
Arising Out of PS. Case No.-223 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Amit Kumar Late Dr. Chandra Bhushan Kumar Sinha Presently posted as Branch Manager, HDFC Bank Ltd. having its office at Gola Road Thana- Samastipur Nagar, District- Samastipur, Bihar.

... ... Petitioner/s

Versus

1. State of Bihar
2. Arinjay Kumar Late Krishnandan Singh Railway Quarter No. 33 B, Gandhi Park Colony Railway Colony, District- Samastipur P.S.- Samastipur nagar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Nagadeo Choubey
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-04-2025 Heard Mr. Dayanand Singh, learned counsel for the petitioner and learned counsel for the State. No one appears for the opposite party No. 2.

2. The present application has been filed for setting aside/quashing the Impugned Order dated 09.08.2018 passed by the Additional Chief Judicial Magistrate III, Samastipur in Complaint Case No. 223 of 2018 by which the Additional Chief Judicial Magistrate III, Samastipur has taken cognizance under sections 417 and 504 of the Indian Penal Code, 1860 against the Petitioner.

3. The Complaint case no. 223 of 2018 has been filed by one, Mr. Arinjay Kumar who has availed loan from HDFC Bank Ltd. The Complainant has made the following allegations in the complaint case no. 223 of 2018:

i. The Complainant approached HDFC Bank Ltd. for availing the Personal Loan facility amounting to Rs.5,00,000/- (Rupees Five Lakhs) through Loan disbursement Dated 31-08-2016 bearing Loan Account no. 41754757.

ii. The Complainant alleges that for the purpose of repaying the said loan amount, the Complainant issued 60 signed cheques starting from Cheque No. 398481 to 398540 from his Salary Account at Allahabad Bank, Ram Babu Chowk, Samastipur Nagar.

iii. The Complainant further alleges that the Complainant also mentioned amount of Rs. 11,895/- (Rupees Eleven Thousand Eight Hundred and Ninety Five) on the cheques so issued and handed it over to the Petitioner.

iv. The Complainant alleges that since the Equated Monthly Installments (EMIs) are deducted from the above mentioned Salary Account at Allahabad Bank, the Complainant used to maintain good balance in the said account. Even after maintaining good balance for the purpose of deduction of EMI, the Petitioner illegally and without the knowledge of the Complainant, deducted a sum of Rs. 11,895/- on 30.11.2016, a sum of Rs.11,894/- in December, 2016 and a sum of Rs. 12,108/- on 28.02.2018 from the A.C. account of the Complainant at HDFC Bank Ltd., Gola Road Branch.

v. The Complainant further alleges that the Petitioner sent one collection boy who visited the quarter of the Complainant on 27.10.2018 and forcefully took away sum of Rs. 11, 895- on 27.10.2016, sum of Rs.11790/- in the month of November and a sum of Rs. 12000/- in the month of September, 2016.

vi. The Complainant alleges that the Petitioner has also not returned 7 cheques in lieu of the amount forcefully taken by the collection boy of the Petitioner. It is further *alleged that the collection boy visited the house of the Complainant and started yelling which affected the reputation of the Complainant in the society and caused great mental agony to the Complainant.*

vii. The Complainant alleges that post the chaotic situation created by the collection, the Complainant sent a complaint letter to the Petitioner and after receipt of the same, the Petitioner started threatening the Complainant.

viii. The Complainant alleges that the Petitioner has committed offence u/s 417 and 504 of IPC and has prayed for taking cognizance of offences and issue process against the Petitioner.

4. It has been submitted by the learned counsel for the petitioner that the matter has been settled between the parties and the loan account has been closed and the N.O.C. has been issued which is apparent from the supplementary affidavit (Annexure-P/4) and it appears that because of the fact that opposite party No. 2 is not appearing in this case.

5. Considering the fact that the loan amount has been settled, this application is allowed.

6. Accordingly, the order dated 09.08.2018 passed by the Additional Chief Judicial Magistrate III, Samastipur in Complaint Case No. 223 of 2018 is quashed.

(Sandeep Kumar, J)

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