

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1516 of 2023

Arising Out of PS. Case No.-2462 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Sunita Singh Wife Of Shyam Narayan Singh R/O Ward No 6, Sonamati @
Sonamati Anchal, Babubarhi Near Sales Tax Office, Madhubani P.S.-
Babubarhi, District- Madhubani Pin- 847223.

... .. Petitioner/S

Versus

1. The State Of Bihar.
2. Tata Motors Finance Ltd, Branchoffice-601 to 603 6th Floor, Kashi Place,
Near Dak Bungalow Chouk Patna, Bihar-800001, represented through its
Authorized signatory namely Mr. Miritunjay Choudhary Son Of Late Umesh
Chandra Choudhary Aged About 40 Years, Presently Posted As State
Manager, Proactive Litigation, Having Its Branch Office Address At 601 To
603, 6th Floor, Kashi Place, Near Dak Banglow Chowk, Patna, Bihar-
800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 06-02-2025

1. Heard learned counsel appearing on behalf of the
parties.

2. The present application has been filed for
quashing the order dated 24.07.2019 passed by learned Sub
Judge-IX cum Addl. Chief Judicial Magistrate, Patna, in
connection with Complaint Case No. 2462 (C) of 2016, CIS
No. 2462/2016 (Tata Motors Finance Ltd. Vs Sunita Singh),
where cognizance was taken for the offences under section



138 of Negotiable Instrument Act, 1881.

3. On 06.08.2024, the co-ordinate Bench passed the following order:-

“1. Heard the learned counsel for the petitioner, learned APP for the State and learned counsel for the O.P. No. 02 (Tata Motors Finance Limited).

2. Learned counsel for the O.P. No. 02 has submitted that the company is ready to settle the dispute after accepting Rs. 5,60,000/-.

3. The learned counsel for the petitioner initially has asked for six months' time, but now he is ready to pay the entire amount of Rs. 5,60,000/- within the next four months in four monthly installments. The first installment shall be paid within a month. The next installment shall be paid regularly.

4. List this case on 06.12.2024 for further hearing.

5. In the meantime, further proceeding of the court below in connection with Complaint Case No. 2462(C) of 2016 shall remain stayed.

6. The O.P. No. 02 is given liberty to



file an application for vacating the stay in case the petitioner defaults in payment.”

4. It is pointed out by the learned counsel that in terms of aforesaid compromise, Rs. 70,000/- was paid to the Tata Motors Finance Ltd. against sum of Rs. 5,60,000/- and now today the petitioner is ready to pay bank draft for balance amount of Rs. 4, 90,000/- to opposite party no. 2.

5. In furtherance of aforesaid submission, the learned counsel appearing on behalf of the petitioner handed over a demand draft for Rs. 4,90,000/- bearing no. 468630, issued from Ujjivan Small Finance Bank (3653 Jhanjharpur) dated 15.01.2025, to the learned counsel appearing for opposite party no. 2, Mr. Dayanand Singh. The copy of aforesaid bank draft was also taken on record.

6. In view of aforesaid, Mr. Dayanand Singh, learned counsel appearing for opposite party no. 2 submitted as now he has no objection for this quashing petition.

7. Considering the aforesaid as matter appears settled between the parties, where opposite party no. 2 received full and final amount of Rs. 5,60,000/- in terms of



compromise, accordingly the continuing of litigation, before the court below would only amount to abuse of process of law and therefore same is fit to be quashed.

8. Accordingly, impugned order of cognizance dated 24.07.2019 passed by learned Sub Judge-IX cum Addl. Chief Judicial Magistrate, Patna, in connection with Complaint Case No. 2462 (C) of 2016, CIS No. 2462/2016 (Tata Motors Finance Ltd. Vs Sunita Singh), is hereby set aside and quashed *qua* petitioner.

9. Let copy of this order be sent to the trial court, without delay.

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2025
Transmission Date	06.02.2025

