IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5396 of 2019

Arising Out of PS. Case No.-1464 Year-2017 Thana- COMPLAINT CASE District- Jamui

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Miss Nibedita @ Nivedita, D/o Harishchandra Prasad, Wife of Dharmendra Kumar, Resident of At Chankyapuri Colony, Duraon, P.S-Dumraon, District-Buxar, Bihar At present posted as Manager, UCO Bank, Zonal office, Varanasi

... ... Petitioner

Versus

1. The State Of Bihar
2. Satyam Rabindra Prasad, Resident of Mohalla-Purani Bazar, Bajrang Chowk, Jhajha, P.S Jhajha, District-Jamui

... ... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Mishra, Advocate
	:	Mr. Ambarish Bhardwaj, Advocate
	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 28-07-2026

1. Heard the parties.

2. The present application is being filed for quashing the order dated 14.09.2018 passed by learned S.D.J.M., Jamui in Complaint Case No.1464C/2017 corresponding to Trial no. 2561/2018 whereby and where under learned S.D.J.M., Jamui has found *prima facie* case for commission of the offence U/S 417 IPC against the petitioner (accused).

3. According to complaint petition, the brief

facts of the case is that complainant has availed the locker facility in the UCO Bank, Jhajha Branch, Bihar. In the month of December 2014 when complainant tried to open the locker it was out of order thereafter he made a complaint to the Branch Manager, Miss Nivedita. He further made allegation in the complaint that she replied that locker would be repaired by mechanic but she didn't take any action immediately. On 24.9.2015, she called the mechanic and locker was broken open before him. He further alleged that she demanded illegal money of Rs. 5000/- and got signature on plain paper and on 29.09.2015, illegally Rs.5,792/- has been debited from his account.

4. It is submitted by learned counsel appearing for the petitioner that complainant had approached the District Consumer Dispute Redressal Forum vide Complaint Case No.37 of 2015 which was rejected on being devoid of merits vide order dated 18.05.2017. The appeal preferred thereafter, being appeal no.178 of 2017, which was also dismissed by the State Consumer Dispute Redressal Commission, Bihar on 23.08.2017 holding that the appeal

was devoid of merit. Instead of availing the statutory remedy before the National Consumer Dispute Redressal Commission, the complainant instituted the present criminal complaint on the same set of facts. It has further been brought on record that the petitioner remained posted as officiating Branch Manager of UCO Bank, Jhajha Branch, only during the period from 01.04.2015 to 07.11.2015, therefore, the allegation that complainant had approached the petitioner in December, 2014 is demonstrably incorrect and contrary to the admitted factual position. It is pointed out that the Bank had engaged an authorised engineer of Godrej company for the inspection of the locker. The engineer reported that the master key and the locker mechanism were in a proper condition but the customer's key had been tampered with and misused, rendering the locker inoperative. The engineer also raised the bill of Rs.5792/- which includes lock breaking charges, lock fitting charges and supply of a new key. The case of the petitioner is that the complainant was informed about the report as well as the charges and had agreed to born said expenses before the lock was broken open, which is evident from application of OP no.2 dated 24.09.2025 (Annexure- A/6), where charges were deducted in terms of Clause-6, of guideline for hiring a locker, (Annexure- A/7).

5. Having considered the allegations in the complaint together with the materials on record, the Court finds that the dispute initially arises out of operation of a bank locker and the charges incurred for making the locker operational. The same had already been adjudicated by the Consumer Forum as well as the State Consumer Commission, both of which found no merit in the complainant's grievance. Institution of the present criminal proceeding immediately thereafter, on the same set of facts clearly indicates and attempt to give a criminal colour to a dispute which is essentially civil and consumer in nature. Even if the allegations made in the complaint are accepted in their entirety, the essential ingredients of the offence punishable under Section 417 of the IPC are not made out. There is no material to indicate that the petitioner had any fraudulent or dishonest intention at the inception of the

transaction so as to constitute the offence of cheating. It is settled principle of criminal jurisprudence that criminal liability cannot be fastened merely because an act results in a financial consequence to another person. Every financial transaction or contractual dispute does not constitute a criminal offence. Hence, deduction of charges towards repair of the locker, particularly when supported by the report and bill of the authorised engineer, cannot give rise to a criminal liability.

6. The ***sine qua non*** for criminal prosecution is the existence of the requisite *mens rea* or criminal intent, coupled with fulfillment of essential ingredients of the alleged offence in the absence of dishonest intention, deception, misappropriation or unlawful gain, the criminal law cannot be invoked to convert a purely contractual or administrative act into a criminal prosecution.

7. The learned Magistrate appears to have taken cognizance in a mechanical manner without examining whether the ingredients of the alleged offence were disclosed from the complaint petition. In support of his submissions,

the learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***State of Haryana and Others vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) SCC 335***.

8. It would be apposite to reproduce the para 102 of Hon'ble Supreme Court in the case of ***Bhajan Lal Case (supra)***, which reads as under:-

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
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> *(1) Where the allegations made in*

the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of nay offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal

> *bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
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> (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

9. The settled principle of criminal jurisprudence is that the inherent jurisdiction of the High Court is intended to prevent the abuse of process of the Court and to secure the ends of justice. Where the uncontroverted allegation contained in the complaint even if accepted in their entirety failed to disclose the commission of any cognizable offence or make out a case against the accused, continuation of criminal proceeding would amount to an abuse of the process of law. In view of aforesaid factual submissions and in terms of guiding notes as available through guiding principle nos. 1 and 3 of ***Bhajan Lal Case (supra)***, the

impugned cognizance order dated 14.09.2018 as passed by learned S.D.J.M., Jamui is hereby quashed/set aside with all its consequential proceedings qua petitioner.

10. Accordingly, the present petition stands allowed.

11. Let the copy of judgment be communicated to the learned trial court forthwith, with TCR, if any.

(Chandra Shekhar Jha, J.)

Raushan/-

AFR/NAFR	NAFR
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