
(2020) 01 RAJ CK 0357

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6517, 8115 Of 2019

Bhupendra Kumar Gupta

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 08-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 406, 420

Citation : (2020) 01 RAJ CK 0357

Hon'ble Judges : Sanjeev Prakash Sharma, J

Bench : Single Bench

Advocate : R.R. Jangu, Ramesh Choudhary

Final Decision : Dismissed

Judgement

S.B. Criminal Misc. Petition No.8115/2019 has been filed by petitioner - Bhupendra Kumar Gupta, who is working as Chief Managing Director of Matsya Fincap Pvt. Ltd., Alwar, praying for fair, proper and impartial investigation in FIR No.882/2019 registered by the company for offence under Sections 420 and 406 IPC against the named persons.

Another S.B. Criminal Misc. Petition No.6517/2019 has been filed by 18 persons submitting that they have applied for loan in the company for a lesser amount, but the loan was given to them on higher amount and they have returned the excessive amount to the Manager of the company by RTGS. So far as the original amount is concerned, the petitioners are regularly paying their installments. In view thereof, the petitioners submit that the criminal proceedings initiated against them being FIR No.882/2019 be quashed and set aside.

Learned counsel appearing for the petitioners submits that the petitioners are innocent persons and have bonafidely applied for loan. They were informed that a higher amount was erroneously entered in their bank account and therefore, the petitioners returned the remaining amount except original loan amount applied for in the account of the Manager of the Company.

It is a case of the petitioner-complainant that the FIR was registered wherein allegations have been levelled of the petitioners having conspired with the Manager and taking heavy loan from the company and have not returned the same. It is also the case that the concerned Manager has also ran away with the amount.

Learned counsel for the petitioners submits that all the petitioners are from Delhi and they have received the loan amount from the Branch Office of the Company situated at Bhikhaji Cama Place, New Delhi, and therefore, they should not be harassed and if, at all, any case is to be investigated, the same should be registered at Delhi.

Learned Public Prosecutor has seriously opposed the submissions made by the learned counsel for the petitioners.

I have considered the submissions.

From the perusal of the FIR, it is apparent that the company has been put to loss by fraudulent transaction of granting the loan by Manager, Shri Prabhat Singh and his colleagues and the petitioners are the beneficiaries of the amount. The company has committed fraud with several people. Thus, it appears that a thorough investigation is required to be conducted in the FIR in question by the Investigating Agency. Therefore, at this stage, it would be proper to conduct the investigation. The petitioners in S.B. Criminal Misc. Petition No.6517/2019 would be free to place before the Investigating Authority all the documents in support of their contentions and if such documents are produced, it is expected from the Investigating Authority to take them into consideration and thereafter, submit his conclusion and report forthwith. Role of the company and the Managing Director be also examined.

With the observations and directions, as indicated above, both the criminal misc. petitions are accordingly dismissed.

A copy of this order be placed in each of the file.