
(2001) 02 JH CK 0019

In the Jharkhand High Court

Case No : Criminal Miscellaneous No. 8525 of 2000 (R)

Hindustan Copper Ltd. and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 06-02-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420

Citation : (2001) 02 JH CK 0019

Hon'ble Judges : A.K. Prasad, J

Bench : Single Bench

Final Decision : Allowed

Judgement

A.K. Prasad, J.—Heard Mr. S.L. Agrawal, learned counsel for the petitioners. Sri S.N. Sinha, learned APF for the State, and Mr. O.K. Chakraverty, learned counsel for the opposite party No. 2. It is alleged that the com-plainant/opp. party No. 2 supplied the Sal-Timbers to M/s. Hindustan Copper Ltd. Ghatsila, on the basis of the purchase order dt. 2.12.1994, which was rejected by the petitioner/ Company. The complainant further alleged that he was not given the permission to take back the Sal Woods in 1994, with the result that the complainant could not take back the Sal Timbers, which decayed due to the ravages of the weather and the petitioner/ Company has with-held the payment of security deposit of Rs. 40,000/- to the complainant. On plain reading of the complaint petition, it is evident that the dispute is of a civil nature and one which involves the breach of the contract. It cannot be gathered from the contents of the complaint petition that at the inception of the contract itself, there was any dishonest intention of the petitioner/Company (Hindustan Copper Ltd.), a Government of India Enterprises, and its officials who are the other petitioners, to cheat the complainant. On a careful consideration of the materials on record, I find that the case is of purely civil nature and no offence u/s 420 of the Indian Penal Code is made out. Hence, this is a fit case in which the impugned order taking cognizance of the offence u/s 420 of the Indian Penal Code is made out. Hence,

this is a fit case in which the impugned order taking cognizance of the offence u/s 420 of the Indian Penal Code, which is dated 25.9.2000 passed by the Addl. Chief Judicial Magistrate, Ghatsila, and the subsequent proceedings thereto should be quashed to secure the ends of justice, inasmuch as continuance of the criminal proceedings would be an abuse of the process of the Court. Hence, this application is allowed, the impugned order taking cognizance dt. 25.9.2000 and the subsequent criminal proceeding in C/I case No. 63 of 2000 pending in the Court of the Addl. Chief Judicial Magistrate, Ghatsila, is here quashed.

1. Petition allowed.