
(2007) 01 PAT CK 0051

In the Patna High Court

Case No : Criminal Miscellaneous No. 23766 of 2005

Lloyds Finance Ltd. and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 15-01-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 406, 420

Citation : (2007) PLJR 394

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mridula Mishra, J.—Heard counsel for the petitioners. No one appears on behalf of opposite party No. 2 complainant. This application has been filed for quashing the order dated 8/9.5.2005, whereby cognizance has been taken in Complaint Case No. 0979(C) of 2005 under sections 406, 420 and 120-B of the Indian Penal Code by S.D.J.M., Patna.

2. Petitioner is the non-banking finance company and the allegation is that the money which were deposited with the petitioner's company is not being repaid even after its maturity. Counsel for the petitioners submits that complaints petitions were filed all over India and a company petition in this regard was also filed being Company Petition No. 1017 of 2002 and request was made to follow the precedent of Karnataka High Court. Accordingly a special committee has been constituted under the chairmanship of a retired Judge of Bombay High Court and the payments are being made to the depositors under the guidance of that committee. The payment is being monitored by the committee. So far the payment of the complainant is concerned full and final payment has been made and the complainant has received the amount. The receipt showing full and final payment to the complainant has been annexed as Annexure-11 to the supplementary affidavit. Considering the fact that the only grievance which is made in the complaint has already been redressed after accepting the final and

full payment, this application is allowed and the order dated 8/ 9.5.2005 passed by the S.D.J.M., Patna in Complaint Case No. 0979(C) of 2005 is quashed.