

(2010) 08 PAT CK 0083
In the Patna High Court

Lloyds Finance Ltd.

APPELLANT

Vs

The State of Bihar and Mrs. Basanti Garg

RESPONDENT

Date of Decision : 17-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 406

Citation : (2010) 08 PAT CK 0083

Hon'ble Judges : Akhilesh Chandra, J

Bench : Single Bench

Judgement

Akhilesh Chandra, J.—Heard learned Counsel for the petitioners and Additional Public Prosecutor for the State. None appeared on behalf of the opposite party No. 2.

2. This is an application u/s 482 Cr.P.C. seeking quashing of order dated 05th January 2004 taking cognizance, in Complaint Case No. 921 (C) of 2003

3. It is submitted on behalf of the petitioners that principal amount of investment worth Rs. 19,000/- (Nineteen Thousand) made by the complainant-opposite party No. 2 with the company. Company and the petitioners has already been paid to the opposite party No. 2, through three Demand Draft Nos. 980442-41-43 dated 03.08.2010, in lieu thereof the opposite party No. 2 has already issued receipt, further stating that with respect to her claim for payment of interest, the party shall abide by the decision of Bombay High Court in Company Petition No. 1017 of 2002 to this effect supplementary affidavit has been filed on behalf of the petitioners, serving copy to learned Counsel for the opposite party No. 2.

4. In series of cases of almost similar nature where in complaints have been filed against the petitioners, this Court has quashed the proceedings pending before the courts below, giving liberty to the parties to take appropriate step, in case of failure in compliance of order of the Bombay High Court in Company Petition No. 1017 of 2002.

5. Learned Additional Public Prosecutor fairly concedes to the above preposition.
6. Considering the facts and circumstances, especially payment of principal amount to the opposite party No. 2 and pendency of the matter before the Bombay High Court, where in claims as regard to interest is to be determined. I find no reason to permit further proceedings of Complaint Case No. 921(C) of 2003, initially pending in the court of Sri Isratullah, Judicial Magistrate, 1st Class, who vide order dated 05th January, 2004 took cognizance for the offences u/s 406 and 120-B of the Penal Code, now pending in the court of Ashok Kumar Singh, Judicial Magistrate, 1st Class, Patna to continue as any further continuance shall produce, no fruitful result. Accordingly, this application stands disposed of.