
(2015) 09 JH CK 0059
In the Jharkhand High Court
Case No : W.P. (Cri.) No. 176 of 2015

Manoj Kumar Agarwal

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-09-2015

Acts Referred:

Penal Code, 1860 (IPC) — Section 406

Citation : (2015) 4 AJR 212

Hon'ble Judges : Prashant Kumar, J.

Bench : Single Bench

Advocate : Indrajit Sinha, for the Appellant; Pran Pranay, J.C. to S.C. II and Ananda Sen, for the Respondent

Final Decision : Allowed

Judgement

Prashant Kumar, J.—This application has been filed for quashing the FIR pertaining to Kandra P.S. Case No. 09 of 2015 dated 27.02.2015, corresponding to G.R. No. 239 of 2015 under section 406 of the Indian Penal Code pending in the court of learned Sub Divisional Judicial Magistrate, Seraikella. It appears that the informant, Wasir Singh Dahiya filed a complaint alleging therein that he was working in the Adhunik Alloys and Power Ltd., as Senior Vice Precedent and he worked on that post till 09.04.2013. Thereafter due to some personal reason, he resigned from the company and his resignation accepted by the accused on 08.04.2013. It is stated that at the time of resignation, he was entitled to get Rs. 16,22,000/- from the company on different heads. It is further submitted that the accused/petitioner had assured him that the said amount will be paid to the informant but the same has not been paid. Accordingly, it is alleged that the accused/petitioner had committed the offence of criminal breach of trust. Hence the present complaint filed with the prayer that the same may be sent to the police for registration of FIR.

2. Sri Indrajit Sinha, learned counsel appearing for the petitioner, submits that even if the allegations made in the FIR, taken to be true, then also no offence of

criminal breach of trust made out against the petitioner.

3. Admittedly, the informant/complainant has not entrusted any property to the petitioner nor there is any allegation in the complaint petition that the petitioner has misappropriated aforesaid entrusted property for his own use. Accordingly, it is submitted that no offence of criminal breach of trust made out.

4. Sri Ananda Sen, learned counsel appearing for the informant/complainant and Sri Pran Pranay, J.C. to S.C. II opposed the aforesaid submissions made by the petitioner.

5. Having heard the submissions, I have gone through the record of the case. From perusal of FIR, I find that the complainant has not entrusted any property to the petitioner and there is no allegation that the petitioner has misappropriated the same. From the allegations made in the FIR, it is clear that the claim of the complainant relates to due of the informant in the company from where, he resigned. This, itself shows that the dispute between the parties is civil in nature. Considering the aforesaid facts and circumstance, I am of the view that no offence under section 406 of the I.P.C. made out. Accordingly, I allow this application and quash the FIR pertaining to Kandra P.S. Case No. 09 of 2015 dated 27.02.2015, corresponding to G.R. No. 239 of 2015 under section 406 of the Indian Penal Code pending in the court of learned Sub Divisional Judicial Magistrate, Seraikella.