

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No.2712 of 2012

Sanjay Chamria Petitioner
Versus
The State of Jharkhand & Anr. Opp. Parties

CORAM: HON'BLE MR. JUSTICE R.R. PRASAD

For the Petitioner : Mr. I. Sinha, Advocate
For the State : APP

02/31.07.2013: Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

Entire criminal proceeding of C/1 Case No.605 of 2011 including order dated 01.06.2011, passed by learned Judicial Magistrate, Jamshedpur, under which cognizance of the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code has been taken against the petitioner, is being sought to be quashed on the ground that the parties have settled their monetary dispute and, thereby, they have entered into a compromise.

Case of the prosecution is that the Opp. Party No.2 having been financed by Magma Fincorp Ltd., purchased a vehicle bearing registration No.JH-05E-3221. Thereafter, the complainant regularly paid the amount fixed as EMI and after the entire payment was made, the vehicle which was hypothecated to the Finance Company, was released. In spite of that, the petitioner, did approach to the Opp. Party No.2 and asked to make further payment. On such allegation, the case was registered as C/1 Case No.605 of 2011 in which cognizance of the offence was taken. That order was challenged. During pendency of this application, the parties got their monetary dispute resolved and have entered into a compromise.

It was submitted that accepting the entire allegation to be true, no offence of forgery is made out and even offence under Section 420 of the Indian Penal Code does not get attracted on the allegation made in the complaint. Moreover, the parties got their dispute settled.

Learned counsel appearing for the Opp. Party No.2 accepts that the parties got their monetary dispute resolved.

Having heard learned counsel appearing for the parties and

taking into account the allegations made in the complaint, it does appear that no offence of forgery is made out even if the allegations made in the complaint are taken to be true. Furthermore, the parties have resolved their dispute concerning offence under Section 420 of the Indian Penal Code, which never involves any public policy and, therefore, order taking cognizance dated 01.06.2011 is hereby quashed.

In the result, this application stands allowed.

(R.R. Prasad, J.)

Ravi/