

Sanjay Chamaria Vs. the State of Jharkhand and anr

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Court : Jharkhand

Decided On : Aug-31-2013

Appellant : Sanjay Chamaria

Respondent : The State of Jharkhand and anr

Judgement :

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: HONBLE 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 not 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/

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