

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39498 of 2012

Arising Out of Complaint Case No. -1806 Year- 2008 District- PATNA

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1. Hindustan Coca Cola Beverage Pvt. Ltd., a Company incorporated under the Companies Act, 1956, having its registered At 13- Abdul Fazal Road Bengali Market, New Delhi, New Dehli- 110001 and having its plant and office at Industrial Area, Patliputra, Patna -800013, through its authorized signatory Hr Manager, Mr. Manish Kumar.
 2. Tapas Kumar Mandal S/O Late Golak Bihari Mondal earlier posted as General Manager, Area Operation, Bihar & Jharkhand, M/S Hindustan Coca- Cola Beverages Private Limited, E-1, Industrial Area, Patliputra, Patna 800013 At Present Posted As Managing Director, International Beverages Private Limited, Dhaka, Bangladesh.
 3. Shantanu Kumar Tripathy @ S.K. Tripathy S/O Bishwanath Tripathy earlier posted as Distribution Manager, Bihar & Jharkhand, M/S Hindustan Coca- Cola Beverages Private Limited, E-I, Industrial Area, Patliputra, Patna 800013 at present posted as Zonal, Distribution Manager, Eastern Zone Which Includes, Bihar, North Bengal & North East Staets In M/S Hindustan Coca- Cola Beverages Private Limited.
 4. Sachin Gugnani @ Sachin Kumar S/O Late G.L. Gugnani earlier posted as Sales Manager, Bihar, M/S Hindustan Coca- Cola Beverages Private Limited, E- I, Industrial Area, Patliputra, Patna 800013 at present posted as National Key Account Manager, Railway In M/S Hindustan Coca- Cola Beverages Private Limited, 3rd Floor, Orchid Centre, Sector 53, DLF Golf Course Road, Gurgaon, Haryana
 5. Vijay Swaika @ Vijay Kumar S/O J.P. Swaika earlier posted as Manager Working Capital (Finance) Bihar & Jharkhand, M/S Hindustan Coca- Cola Beverages, Private Limited, E-I, Industrial Area, Patliputra, Patna 800013 At Present Posted As Finance Manager In M/S Hindustan Coca- Cola Beverages Private Limited, 3rd Floor, Orchid, Sector, 53, Dlf Golf Course Road, Gurgaon, Haryana.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Gauri Shankar Jha, S/O Devkant Jha, Resident Of A-132, A.G. Colony, Main Road, P.S- Shastri Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Senior Advocate
For the Opposite Party no.1 : Mr. Jharkhandi Upadhaya, P.P.
For the Opposite Party no.2 : None

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-04-2015

This petition under Section 482 of the Code of the Criminal Procedure is filed, with a prayer to quash the proceedings in Complaint Case No.1806(c)/2008 pending in the Court of learned Judicial Magistrate, 1st Class, Patna.

Heard Sri N. K. Agarwal, learned senior counsel for the petitioners and Sri Jharkhandi Upadhaya, learned Public Prosecutor for the State. No one appears for the opposite party no.2, though notice has been served upon him.

The 2nd opposite party is said to have taken a dealership of the Cold Drinks from the 6th petitioner, by name Surendra Prasad Singh. His grievance is that in course of business, the damaged goods worth Rs.1,50,000/- are not being taken back by the petitioners.

In all fairness, the learned senior counsel for the petitioners submits that they are willing to take back the damaged material, lying with the complainant.

This Court is of the view that it is a fit case for being resolved either through mediation by the trial Court itself, or for reference of the same to the Lok Adalat.

Hence, the petition is disposed of directing that on filing of an undertaking of the petitioners that they are willing to settle the claim of Rs.1,50,000/- made by the complainant, on

verification, the trial Court shall dispose of the case with the consent of the parties or refer the matter to the Lok Adalat.

(L. Narasimha Reddy, CJ)

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