

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 37018 of 2010

Arising out of P.S. Case No. -2059 Year- 2014 Thana -
Complaint District- PATNA

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1. Bindeshwari Singh, S/o Late Ramadhar Singh.
 2. Sanjeev Kumar Singh @ Banti, S/o Bindeshwari Singh.
 3. Neeraj Kumar Singh @ Mantu, S/o Bidneshwari Singh. All
resident of C-178, Police Colony, P.S. Gardanibag, District-Patna.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Anil Kuamr, S/o Shiv Dayal Roy, Resident of Quarter No. C-132,
Police Colony, Anishabad, P.S.-Gardanibag, District-Patna.
- Opposite Party/s
- with

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Criminal Miscellaneous No. 34214 of 2010

Arising out of P.S. Case No. -2059 Year- 2014 Thana -
Complaint District- PATNA

- =====
1. Joykesh Poddar S/o Late Janardan Podder Presently Posted At
General Manager,M/S Reliance Communicative
Ltd,G.Block,Dakc, Thane Belapur Road,Kopar Khairne,P.S.-
Kopar Khairne, Navi Mumbai-400710.
 2. Piyush Deva S/o Shiv Vishwa Presently Posted As General
Manager,M/S Reliance Communications Ltd,15th
Floor,Biscomaun Tower,Gandhi Maidan (West) Ps Gandhi
Maidan,Patna 800001.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anil Kumar S/o Shiv Dayal Rai Police Colony, Quarter No C-132,
Anisabad, P.S.-Gardanibagh, Dist.-Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 37018 of 2010)

For the Petitioner/s : Mr. Prabhat Ranjan-I, Adv.

For the Opposite Party/s : Mrs. Poonam Kumari, APP.

(In Cr.Misc. No. 34214 of 2010)

For the Petitioner/s : Mr. Manoj Kumar Ambastha, Adv.

For the Opposite Party/s : Mr. Kumar Uday Pratap, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-03-2015

The Petitioners seek quashing of the entire proceeding including the order of non-discharge dated 17.08.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2059(C) of 2004.

The case of the Complainant is that the accused persons were running a Company of Mobile Phones. It had appointed some agents who were giving connections for Rs. 500/- without any verification. They started giving mobile connections to fake persons on wrong identification papers thereafter the bills started coming to the person on whose name wrong connection had been given. When the Complainant found that such business was going on he complained to Reliance Company. He also informed them that in case any connection is taken in his name the same shall be cancelled. On 26.02.2004, he received five envelopes on his address on purported names of three persons as his brothers. He immediately complained once again with regard to the same but no action was taken. On 10.03.2004 once again in the name of one Sukhvir Singh he received a bill on his address in the name of which he returned and informed the senior police officials that the connections were taken in his purported relatives and at his address. He, however, kept receiving such bills in the name of Sukhvir Singh again



and again and also in the name of Arvind Kumar. It is then that he realized that the Company using his address had issued connections to fake persons. The reason for such irregularities was that DAV School had been given land to which his father had objected and others had filed a writ petition in the High Court at which the construction was stopped. He complained that the persons of DAV School were also working in the Company and had come to his house to threaten him. It was for this reason that the present Complaint was filed.

The Counsel for the Petitioners submits that the Petitioners of Cr. Misc. No. 37018 of 201 were never employees of Reliance Company and, therefore, they should not be prosecuted. The further submission is that even assuming some one had taken correction on fake identity and the address but he was not duped by them since he was not liable for payments of the bills so raised.

On the other hand, Counsel for the Complainant submits that the Petitioners had also moved this Court for quashing the order of cognizance which has not been mentioned in Paragraph 2. Also now the stage of the case is that four witnesses have been examined before charge after which the case is fixed for charge but the Petitioners are avoiding appearance.

Having gone through the Complaint Petition, I

am unable to satisfy myself that in the facts of the case mentioned above any criminal offence is made out against any accused persons.

Even if the Complainant's address has been used for giving connections to fake persons, the Complaint has not been deprived of in any manner. The Complainant is not required to honour the bills since the connections were not in his name.

In such view of the matter, the entire proceeding as against all the accused persons including the order of non-discharge dated 17.08.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2059(C) of 2004 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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