

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39798 of 2015

Arising Out of PS. Case No.-29475 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Legrand (India) Pvt. Limited, 61/62, Kalpataru Square, Off Andheri Kurla Road, P.S. Andheri, Andheri (E), Mumbai 400059 through its representative Ajeet Kumar Singh @ Ajeet Singh, son of Ram Prakash Singh M/S Legrand (India) Pvt. Limited, bhakta Tower, Plot No. KB-22, 2nd and 3rd floor, Salt Lake, Sector-III, P.S.- Salt Lake, District- Kolkata, At present residing at of Ward No.19, Gangjals, Saharsa
 2. Urvahi Dipaksinh Morarji daughter of late Mansingh Sapat Director, M/S Legrand (India) Pvt. Limited, Vasant Vihar, 8 Campmichael Road, P.S.- M.I.D.C. Andheri (E), District- Mumbai.
 3. Ajeet Kumar Singh @ Ajeet Singh, son of Ram Prakash Singh M/S Legrand (India) Pvt. Limited, bhakta Tower, Plot No. KB-22, 2nd and 3rd floor, Salt Lake, Sector-III, P.S.- Salt Lake, District- Kolkata, At present residing at of Ward No.19, Gangjals, Saharsa
 4. Biswajit Chakraborty son of late Nihar Ranjan Chakraborty, Regional Manager, M/S Legrand (India) Pvt. Limited, bhakta Tower, Plot No. KB-22, 2nd and 3rd floor, Salt Lake, Sector-III, P.S.- Salt Lake, District- Kolkata, At present residing at of R.R. Plot-455, P.O. East Kolkata Township, Kolkata-700107

... .. Petitioner/s

Versus

1. The State of Bihar
2. M/s J B Ware housing & Trading Ltd. 17, Ashoka Palace, Exhibition Road, P.S.- Gandhi Maidan, Town & District- Patna through its Authorized Director, Pradeep Narayan Jamuar, Age 50 years

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
Priya, Neha Gupta



For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 11-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing an order dated 26.05.2015 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 29475(C) of 2014 taking cognizance of an offence under Section 406 and 420 of the Indian Penal Code against the applicants.

The applicants herein are all officers of M/s Legrand (India) Private Limited, a company registered under the Companies Act (hereinafter referred to as 'the company'). They are the Directors and Officers managing the affairs of the company. The complainant approached the company for obtaining distribution of its product in the area of Jharkhand and by an agreement executed for a period from 01.01.2011 to 31.12.2011 distributorship was granted to the complainant. In pursuance to the agreement, the complainant deposited a security amount of Rs.15,000/- and in terms of the agreement work of distributorship was conducted and it is the grievance of the complainant that he suffered a loss of Rs.9,65,000/- as proper advice and facility for carrying out the business were not granted to the complainant. It is stated that the officers of the company did not guide the



complainant, pressurized him for doing the business in a particular manner as a consequence thereof he suffered the loss.

Inter alia contending that the complainant suffered the loss because of the act of the petitioners, misguiding him, stopping his payment and taking several steps which amounts to criminal offence the complaint has been filed. A copy of the complaint is available on record and a bare reading of the complaint goes to show that there were differences between the parties in the execution of the contract work, settlement of the account and payment of certain amount. All the disputes as are made out from the body of the complaint are nothing but civil disputes relating to execution of the agreement in question, and I am of the considered view that in such a dispute purely civil in nature in the matter of execution of a contract for distributorship, the ingredients necessary for constituting an offence as contemplated under Sections 406 and 420 of the Indian Penal Code are not made out. It is a case where the civil dispute is tried to be converted into a criminal case only for the purpose of deriving undue benefit and pressurizing the applicants.

Accordingly, finding it to be a fit case for interference in a proceeding under Section 482 CrPC, this application is allowed.



The proceedings in Complaint Case No.29475(C) of 2014 pending
in the court of the Judicial Magistrate 1st Class, Patna is quashed.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2018
Transmission Date	16.07.2018

