

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5653 of 2015

Arising Out of PS. Case No.-1405 Year-2013 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Tata Teleservices Limited a company incorporated under the provisions of the Companies Act' 1956 having its registered office at 10th Floor 1, Jeevan Bharati, 124, Connaught Circus, New Delhi - 110001 and its Local Office at Tata Teleservices Limited, 2nd Floor, P. Jha Complex, Sahi Lane, S.P. Verma Road, Patna - 800001 through its Authorised Signatory Mr. Avirup Chakraborty aged about 36 years, Son of Sri Prodyote Chakraborty, Working at Tata Teleservices Limited, P.S. Srijan Tech Park, DN - 52, Sector - V, Salt Lake City, Kolkata - 700091.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuri Devi, Wife of Sri Om Prakash Arya, Resident of Nasrath Khani, P.S. - Nath Nagar, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Kant Shukla, Advocate Mr. Ratnakar Pandey, Advocate
For the Opposite Party/s :		Mr. D. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-07-2019

Heard learned counsel for the parties.

2. Opposite party no. 2-Madhuri Devi had brought Complaint Case No. 1405 of 2013 against three persons. First Sateya Dubey, the Maintenance In-Charge, second Manager Tata Indicom, Maharaja Kameshwar Complex, Bihar and number three Manager Tata Indicom, L.T.C. Bhawan, Bestoopur, Jamshedpur, Jharkhand.



3. According to complaint petition, the accused persons had installed a mobile tower near the residence of the complainant. The generator set of the mobile tower was causing noise pollution and inconvenience to the complainant. When the complainant asked the accused to remove the same, they did not take any step in this regard. Complaint was made to the District Magistrate and the Sub-Divisional Officer, Bhagalpur who also did not pay any heed to the problem. On 27.06.2013, the complainant complained to the watchman deputed there (accused no. 1 Sateya Dubey) and all the watchmen started abusing her in filthy language, rather pushed her down to the earth and all the accused persons assaulted her by fists and slaps.

4. Submission is that the main allegation is against accused no. 1 Sateya Dubey. Furthermore, there is no post of Manager, Tata Indicom in the Tata Teleservices Limited and this fact has been stated by the petitioner in paragraph 11(B) of the petition which has not been disputed by opposite party no. 2 by filing counter affidavit.

5. Submission is that though such post is not existing, the police of and on visits the business premise of the petitioner- Tata Teleservices Limited causing inconvenience and the entire exercise amounts to an abuse of the process of the Court.



6. Learned counsel for the opposite party no. 2 does not dispute that there is any post or person holding that post as “Manager Tata Indicom”.

7. Hence, apparently accused no. 2 and 3 have wrongly been implicated in this case. Therefore, criminal prosecution by the impugned order dated 15.04.2014 passed in Complaint Case No. 1405 of 2013 amounts to an abuse of the process of the law. Hence, the same stands quashed in respect of accused no. 2 and 3 only. Accordingly, this application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	01.08.2019
Transmission Date	01.08.2019

