

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32448 of 2015

Arising Out of PS. Case No.-165 Year-2015 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

-
1. Sanjay Kumar, S/o Late Chandreshwar Prasad, presently posted as Business Head, Essel Vidyut Vitaran Muzaffarpur Limited, Resident of NH-28, near Govarsahi Chawk, P.S. Sadar, Muzaffarpur.
 2. Niraj Gaur, S/o J.P. Sharma, presently posted as Operation and Maintenance Head, Essel Vidyut Vitaran Muzaffarpur Ltd., Resident of Mohalla Prabhat Nagar, Lane No. 1, P.S. Sadar, District Muzaffarpur.
 3. Ashis Kumar, S/o Vijay Sharma, presently posted as Area Manager, Maripur, Essel Vidyut Vitaran Muzaffarpur Limited, Resident of Mohalla Aghoriya Bazar, Parav Pokhar Lane, P.S. Kajimohammadpur, District Muzaffarpur.
 4. Pravin Kumar Mishra, S/o Rabindra Kumar Mishra, presently posted as Manager Commercial, Essel Vidyut Vitaran Muzaffarpur Limited, Resident of Mohalla Ramdayalu Nagar, P.S. Kajimohammadpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Shukla, S/o Late Rajkishor Shukla, presently working as Advocate, Resident of Mohalla Anandpuri, B.B. Ganj, P.S. Sadar, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacak Navi, Advocate Ms. Sushmita Sharma, Advocate
For the O.P. No. 2	:	Mr. Vijay Kumar @ V.K. Singh, Advocate
For the State	:	Mr. Indu Bala Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-09-2019

Heard the parties.

2. The petitioners are accused in Kajimohammadpur P.S. Case No. 165 of 2015 brought by opposite party no. 2. The petitioners have sought for quashment of the FIR on the ground that a bare perusal of the FIR, no criminal offence is disclosed against the petitioners and the entire averment in the FIR would



made out a case of redressal of consumer grievance even if it is accepted as true.

3. According to the complaint based FIR, the complainant is a consumer of electricity. He was suffering fault in electric supply system of-and-on and on complaint to the accused persons in writing, sometimes on phone call, no action was taken at their end. An electrician sent by the accused persons deliberately caused short-circuit resulting in damage of the electric wiring and loss to the tune of rupees one lac. Further allegation is of wrong billing and excess realization of money. When the complainant sent legal notice on 08.01.2015, the accused persons got infuriated and accused no. 5 used unparliamentary language and threat.

4. Learned counsel for the petitioners submits that other averments makes out a case of redressal of grievance of a consumer and the allegation dated 08.01.2015 is not specific as to what words were uttered by accused no. 5 and what type of threat was given by him.

5. Though, learned counsel for opposite party no. 2 opposed the prayer, however, does not dispute that the facts narrated in the complaint based FIR does not disclose ingredients of offences under Sections 406, 420, 467, 448 and 504/34 of the Indian Penal Code for which complaint was filed.



6. A bare perusal of the FIR reveals that no criminal offence is made out against the petitioners. Hence, continuance of the criminal proceeding on the basis of aforesaid FIR would amount to abuse of the process of the Court. Accordingly, the FIR and entire criminal proceeding against the petitioners stands quashed and this application is allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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