

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.341 of 2016

C.L. Sinha, S/o Late Laxminarayan Sinha, aged 39 years, R/o Bhawani Motors (A.S.C.), Bemetara Raipur Road, Near K.K. Dhaba, Bemetara, Distt. Bemetara (C.G.)

---- Petitioner

Versus

1. Proprietor Sai Bajaj, In front of Chauhan Estate, G.E. Road, Supela, Bhilai, P.S. Supela, Bhilai, Distt. Durg (C.G.)
2. Om Sai Bajaj Dealer Bajaj Auto Ltd., In front of Chauhan Estate, G.E. Road, Supela, Bhilai, P.S. Supela, Bhilai, Distt. Durg (C.G.)
3. Ranjit @ Pintu Nagga
4. Sanjeet Singh

Respondent No.3 & 4 both R/o In front of Chauhan Estate, G.E. Road, Supela, Bhilai, P.S. Supela, Bhilai, Distt. Durg (C.G.)

5. Area Manager Asutosh Mishra, Bajaj Auto Ltd., 6th Floor, D.B. City Corporate Park, Plot No.1, Block 9, G.E. Road, Rajbaandha Ground, Raipur (C.G.)
6. Regional Manager Vishal Pandit, Bajaj Auto Ltd., Madsaur, Plot No.2, 3, 6, 7 and Third Floor, Vill. Damakheda, Kollar Road, Bhopal (M.P.)

---- Respondents

For Petitioner: Mr. Anil S. Pandey and Mr. Arvind Dubey, Advocates.

For Respondents No.2, 3 and 4: -

Mr. N.K. Vyas, Advocate.

For Respondents No.5 and 6: -

Mr. V.R. Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/05/2019

1. Complaint filed by the petitioner herein under Section 200 of the CrPC for commission of offence by the respondents under Sections 419, 420, 467, 471 and 120B read with Section 34 of the IPC was dismissed by the trial Magistrate finding that the dispute between

the parties relates to civil dispute in which no criminality is involved and no offence is made out which has been questioned by way of this petition under Section 482 of the CrPC.

2. Learned counsel for the petitioner would submit that breach of contract has been committed by the respondents, as the petitioner was dealer of Bajaj motorcycles and an amount of ₹ 4,00,000/- and ₹ 10,00,000/- – his commission, has not been paid to the petitioner, therefore, the trial Magistrate has committed an error in dismissing the complaint.
3. On the other hand, learned counsel appearing for respondents No.2 to 6, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions and went through the record with utmost circumspection.
5. The petitioner, at that particular time, was authorised dealer of Bajaj Auto Limited owned by respondent No.1 / respondent No.2. It appears that in the course of business transaction, some dispute occurred and according to the petitioner, huge amount of ₹ 44,00,000/- + ₹ 10,00,000/- is outstanding as appears from the statement of the complainant recorded before the trial Court. It is also undisputed position on record that Civil Suit No.12-A/2015 filed by the petitioner is pending before the jurisdictional civil Court at Bemetara and the learned trial Magistrate held that the dispute is civil in nature and no sufficient grounds are available for proceeding against the respondents under Sections 419, 420, 467, 471 and 120B read with Section 34 of the IPC is made out. The finding recorded by the Chief Judicial Magistrate is neither perverse nor

contrary to record, as the dispute existing between the parties relating to dealership agreement is purely of civil nature in which no criminality is involved. I do not find any merit in the petition and the petition is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma