

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.525 of 2023

Arising Out of PS. Case No.-884 Year-2022 Thana- MADHEPURA District- Madhepura

Ajit Prasad Son of Shiv Prasad Service Incharge at Branch Patna, Exide Industries Ltd, Residing at H. No. Rajendra Prasad Agriculture University, Kalyanpur, Hajpurwa, Samastipur Bihar 848125

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Old Secretariat, Patna
3. Superintendent of Police, Madhepura, Bihar
4. Station House Officer, Madhepura Police Station, Madhepura
5. Kumar Madhvendra Son of Lalan Ray R/o Near Law College, Shivpuri, P.S and Dist- Buxar, at present- A.D.J. Cum Secretary, Dist- Legal Services Authority-Madhepura, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Adv. Mr. Dayanand Singh, Adv.
For the State	:	Mr. Iqbal Asif Niazi, Ac to Gp-5
For the Respondent No. 5:	:	Mr. Patanjali Rishi, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-04-2023

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent no.
5.

The present criminal writ application has been filed
for quashing the Madhepura P.S. Case No. 884 of 2022 dated
15.09.2022 registered under Sections 420, 467, 468 and 471 of
the I.P.C.

Counsel for the petitioner submits that from the

contents of the F.I.R., it transpires that the basic dispute between the informant and the petitioner is relating to battery which has been purchased from the shop, who used to service the battery of the Exide Company.

Counsel for the petitioner submits that petitioner is the service in-charge, stationed at Patna and upon complaint relating to service, he used to visit the said place and provide services. Counsel submits that the petitioner has provided the job but only due to non-registration made by the owner of the shop, the problem has arisen. Counsel submits that the petitioner is always ready to provide the services and his counsel offers the service of Exide Battery, which has already taken place.

Counsel for the petitioner submits that petitioner is ready to provide a complete new battery to the private respondent no. 5. Counsel for private respondent no. 5 is ready that he himself will accept the battery for respondent no. 5 in presence of counsel for the petitioner within one week from today.

Counsel for the State submits that from the contents of the F.I.R., it transpires that this dispute is basically a consumer dispute.

Counsel for private respondent submits that his

grievances has already been settled and he is not interested to pursue this case further.

In this background, this Court is inclined to quash the F.I.R. bearing Madhepura P.S. Case No. 884 of 2022 holding that from the contents of the F.I.R., it transpires that the dispute is absolutely come within the purview of consumer and, therefore, this criminal writ application is hereby **allowed**.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	