

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10086 of 2016

Arising Out of PS. Case No.-4303 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Tata Teleservices Limited

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Ravi Prakash, son of Dr. Ram Prakash Mahto, Resident of Mohalla-Naya Tola, P.S.-Katihar, District- Katihar, Proprietor M/s E-com Services, 206, Shashi Palace, Ashok Rajpath, P.S.- Pirbahor, District-Patna, (Bihar).

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 9917 of 2016

Arising Out of PS. Case No.-4303 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Srinath Narasimhan S/o Late Sri Srinivasan Narasimhan, Managing Director, Tata Teleservices Limited, having its Registered office at 10th Floor, Tower 1, Jeevan Bharti, 124, Connaught Circus, New Delhi- 110001

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ravi Prakash, son of Dr. Ram Prakash Mahto, Resident of Mohalla- Naya Tola, P.S. Katihar, District- Katihar, Proprietor M/s E-com Services, 206, Shashi Palace, Ashok Rajpath, P.S.- Pirbahor, District- Patna Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 10086 of 2016)

For the Petitioner/s : Mr.Ratnakar Pandey

For the State : Mr. Navin Kr.Panday,APP

(In CRIMINAL MISCELLANEOUS No. 9917 of 2016)

For the Petitioner/s : Mr. Rajesh Ranjan with

Mr. Ratnakar Pandey, Advocates

For the Opposite Party/s : Mr.S.B.K. Mangalam, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioners; learned

counsel for the State and learned counsel for the opposite party

no. 2.

This application has been filed for quashing the entire



prosecution of Complaint Case No. 4303(C) of 2013 and the order dated 13.03.2014 by which Judicial Magistrate, 1st Class, Patna has taken cognizance against the petitioners registered under sections 418/34 of the Indian Penal Code.

As per prosecution case, Tata Teleservices Limited is a Company duly incorporated under the provisions of the Companies Act, 1956 has been granted license by the Department of Telecommunication, Government of India is to install, maintain & operate mobile cellular telecommunication service and in pursuance of which the company has been engaged in providing services as per the terms of the license agreement of Government of India and has regularly paying the license fee as mentioned in the license agreement.

It has been submitted by learned counsel for the petitioner that from reading the entire complaint no offence is made out and at the best civil dispute between the parties is made out for which this prosecution cannot be continue. The learned counsel for the petitioner has relied upon a judgment of Supreme Court in the case of *State of Haryana vs. Bhajan Lal, (1992) Supp (1) SCC 335*.

Sri Mangalam submits that this client has been cheated and he should be compensated for that as he had



invested a lot of money in the business and he has retained his employee for a year.

Considering the submission of the parties and from reading of the complaint that no offence is made out and if there is any dispute between the parties it is a civil dispute for which the petitioners cannot be prosecuted in light of the judgment of the Supreme Court in the case of ***Bhajan Lal*** (supra), this application is allowed.

In the result, the entire prosecution of Complaint Case No. 430(C) of 2013 dated 13.03.2014 is hereby quashed with respect to the petitioners.

Mr. Mangalam has fairly submitted that his security deposit lying with the petitioners may be refunded to the opposite party no.2. If any security is lying with the Tata Teleservices Limited-petitioner or its successor, it is bound to refund that amount to the opposite party no. 2 within four weeks from today.

With the aforesaid observation, this application is disposed of.

(Sandeep Kumar, J)

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