

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1431 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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KUMAR GAURAV S/o Ramjee Singh Chauhan, Resident of Flat No. 303, Ramayan Apartment, New Dak Bunglow Road, P.S.- Gandhi Maidan, District- Patna. At present representative of Mandolian Jewellers Private Limited, House No. 70, Gali No. 3/4, Opposite Sector- 5, Sheetla Colony, Phase- 1, Gurgaon, P.S.- Sector- 5, District- Gurgaon, Haryana.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home, Govt. of Bihar, Patna Bihar
2. The Senior Superintendent of Police, Patna Bihar
3. The City Superintendent of Police, Patna Bihar
4. The Officer-in-Charge, Gandhi Maidan Police Station, Patna Bihar

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Md. Nadim Seraj, G.P.-5
		Ms. Shalini, A.C. to G.P.- 5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 24-04-2023

By way of this petition, the petitioner has prayed
for the following reliefs:-

*“i. To protect the shop of the petitioner
under the name and style of Mandolian
Jewellers Private Limited situated at
Flat No.12, A Block, Narmada
Apartment, Exhibition Road from
wanted interference by the Respondent
No.4 from interruption/disruption.*

ii. To hold that the petitioner has a



*fundamental right of doing business
under the name and style of
Mandolian Jewellers Private Limited.*

*iii. To hold that the Respondent No.4 has
no power, authority or jurisdiction to
demand papers or inspect documents
for running of the shop.”*

It is the case of the petitioner that he is local authorized representative and Manager of Mandolian Jewellers Private Limited. The company of the petitioner had launched a scheme which was called as “Gold Vyapar Cashback Package”. The scheme provides incentives to the customers in the form of cashback. It is the further case of the petitioner that because of opening of the shop of the petitioner, there was resentment amongst the owner of the local Jewellery shops and they with the help of local police, managed to inspect the shop of the petitioner on 24.08.2019 during day hours and the police officials of Gandhi Maidan Police Station have illegally arrested the staffs of the petitioner and took away the daily sale register and bill book of the shop of the petitioner. The entire activities of the police officials was captured on CCTV camera. The police officials of Gandhi Maidan Police Station has illegally restrained the petitioner from opening his Jewellery shop and this action of the police created a feeling of terror in the minds



of the staffs of the shop of the petitioner. Because of inaction of the Police officials, the petitioner compelled to approach this Court.

It has been submitted by learned counsel for the petitioner that this application has now become infructuous as the petitioner has closed his shop and left the State of Bihar.

The Officer-in-Charge of Gandhi Maidan Police Station is present in Court and has produced the station diary showing that he had gone to the shop of the petitioner to verify a complaint.

It is surprising that in the station diary the name of the complainant as well as the details of the complaint are not mentioned.

This kind of visit by the Police disturbs a legitimate businessman. If the police get any complaint, it should at least mention the name of the complainant, his details and a gist of the complaint in the station diary before proceeding to verify the allegations.

Henceforth, the Police will act in a proper manner. In case, the police want to proceed for verification on a complaint, the details of the complainant and the gist of the complaint must be mentioned in the station diary.



Let a copy of this order be sent to the D.G.P. Bihar through FAX or e-mail forthwith so that it may be circulated to the Superintendents of Police in the State of Bihar which will protect businessmen from this kind of harassment.

The personal appearance of the officer-in-Charge of Gandhi Maidan Police Station is dispensed with.

With the aforesaid observations and directions, this application is dismissed as having become infructuous.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	A.F.R.
CAV DATE	N/A.
Uploading Date	29.04.2023
Transmission Date	29.04.2023

