



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S. B. Criminal Misc. (Pet.) No. 6413/2022

1. Mr. Murugan Mp S/o Shri P Mani Pakkiri, Aged About 52 Years, Director, Nokia India Private Limited, Having Its Registered Office At Flat No. 1213, 12Th Floor, Kailash Building, 26 Kasturba Gandhi Marg, New Delhi - 110001
2. Mr. V. Kalyansundaram S/o Shri Vishwanathan, Aged About 50 Years, Director Nokia India Private Limited Having Its Registered Office At Flat No. 1213, 12Th Floor, Kailash Building, 26 Kasturba Gandhi Marg, New Delhi - 110001

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Jitendra Arora S/o Sh. Govindlal, R/o Jalap Mohalla, Inside Jalori Gate, Jodhpur, Rajasthan.
3. Mirchumal Electronics, R/o Shop No. 21, Mgh Road, Near Sirpratap School, Jodhpur, Rajasthan.
4. Nokia India Pvt. Ltd., Infocity Industrial Plot No. 243, Udyog Vihar, Phase - 1, Duhdera, Gurgaon - 122016
5. Nokia Care Point, Sethia Bhawan, Jalori Gate, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Vineet Jain, Sr. Counsel assisted by Mr. Vivek Mathur, Mr. Prakash Kumar & Mr. Sohail Sehgal

For Respondent(s) : Mr. Gaurav Singh, P.P.

JUSTICE DINESH MEHTA

Order

28/09/2022

1. By way of present petition under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 05.08.2022, whereby the District Consumer Disputes Redressal Commission, Jodhpur (First) (hereinafter referred to as



“the Commission”) has issued bailable warrants against the petitioners -non-applicant Nos. 1 and 2.

2. Mr. Jain, learned Senior Counsel for the petitioners invited the Court’s attention towards the cause title of the complaint and highlighted that earlier, the complaint was filed clearly mentioning ‘Nokia India Pvt. Ltd.’ now known as ‘Microsoft Corporation Pvt. Ltd.’ which shows that the complainant was well aware of the fact that business of mobile handset is no more being done by Nokia India Pvt. Ltd. and same is being carried on by Microsoft Corporation Pvt. Ltd.

3. Learned Senior counsel submitted that however, while filing execution application, the complainant for the reasons best known to him, has impleaded Nokia India Pvt. Ltd. through its Directors (present petitioners) and not impleaded the company, namely, Microsoft Corporation Pvt. Ltd. or its Directors.

4. While contending that the petitioners have been unnecessarily dragged in the litigation, learned Senior Counsel submitted that an application for dropping their names has been filed in the execution application, but instead of deciding the same, the Commission has issued summons/bailable warrants to the petitioners simply because they put in appearance through their counsel instead of appearing in person before the Commission.

5. Heard learned Senior Counsel for the petitioner and perused the record.

6. In the opinion of this Court, the Commission was not legally justified in issuing bailable warrant/summons to the petitioners – Directors of the company, when their counsel was present before



the Commission and an application for discharging/deleting their names had been filed.

7. In view of the aforesaid, the order dated 05.08.2022 requiring personal presence of the petitioners is hereby quashed and set aside.

8. The Commission is directed to decide the petitioners' application dated 05.08.2022 for dismissing the case or dropping the proceedings qua them.

9. Till such application is decided, the petitioners' presence shall not be insisted upon.

10. Needless to observe that in case, the petitioners' application is not decided favourably, they will be free to take appropriate remedies in accordance with law.

11. The misc. petition so also the stay application stand disposed of accordingly.

(DINESH MEHTA),J

286-Inder/-

