

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1666 of 2019

- M/s Ind Synergy Limited, Village Kotmar, Raigarh, C.G. Through Authorized Signatory, Aditya Goel, S/o Shri Satish Goel, Aged 38 Years, R/o Ramkunj, 6 Dagalayout, North Ambazari Road, Nagpur, Maharashtra. Pin- 440010, Maharashtra.

---- Petitioner

Versus

- Prakash Agarwal S/o V. N. Agarwal R/o 5 Raja Santosh Road, District- Alipore, Kolkata, West Bangal.

---- Respondent

For Petitioner :- Shri Ashish Surana, Advocate

Order On BoardByShri Prashant Kumar Mishra, J.18/07/2019

1. This Cr.M.P. has been filed for drawing proceedings against the respondent under Sections 193, 196, 199 of IPC on the ground that when the respondent had filed **WPCR No.1360 of 2011** for quashing of the FIR/Charge-Sheet, he had not filed copy of the entire Charge-Sheet as he had withheld one document which had bearing on the subject matter.

2. It is argued that at the time when the petition was heard the charge-sheet was filed along with an affidavit showing that the entire charge-sheet is filed, however, one document was not shown to this Court.
3. Order dated 01.05.2015 passed by this Court in the above referred writ petition which was disposed of along with other petitions filed by co-accused persons would disclose that the State counsel as well as the respondent/objector including the present applicant were party and were heard before this Court, however, no one brought to the notice of this Court about the fact which is now agitated in this petition. It is also to be noticed that the order passed by this Court was assailed before Division Bench by preferring WA No.316 of 2015 which was dismissed on 03.05.2017 and thereafter the petitioner preferred SLP (Criminal) No.23655 of 2017 before the Hon'ble Supreme Court which was heard and dismissed on 28.03.2019 with observation that the impugned judgment shall not affect the arbitration proceedings.
4. It is thus clear that the order passed by this Court has been affirmed subject to observation that it shall not affect the arbitration proceedings. No other liberty was reserved in favour of the present petitioner.
5. After hearing learned counsel for the applicant I do not find

any ground to entertain this application because all the parties were heard at length before passing the order and the parties had full opportunity to produce all the documents before this Court and moreover the order has been affirmed by the Division Bench and the Hon'ble Supreme Court.

6. In view of the above, Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit