

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10743 of 2022

Arising Out of PS. Case No.-5599 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. JAYANT ROY S/O KAUSHLENDRA ROY Resident of B.J. 98, 2nd Floor, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088
 2. Shobha Roy W/o Kaushlendra Roy Resident of B.J. 98, 2nd Floor, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088
 3. Equipworks Private Limited Having its corporate Office at flat no. 33A, BG-1, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088 both are represented through its one of the Director Jayant Roy, S/o Kaushlendra Roy, resident of B.J. 98, 2nd Floor, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088
 4. M/s Ergotel Private limited Having its Kaushlendra Roy, having its office at flat no. 33A, BG- 1, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088. Both the companies are represented through its one of the Director Jayant Roy, S/o Kaushlendra Roy, resident of B.J. 98, 2nd Floor, Near Jaspal Kaur Public School, Shalimar Bagh (West), North West, P.S.- Shalimar Bagh, New Delhi- 110088

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar S/o Late Dineshwar Thakur Resident of Baranti, P.S.- Bidupur, District- Vaishali, presently residing at Flat No. 110, Sector- E, Pocket-II, Vasant Kunj, South West, New Delhi- 110070

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-07-2023

Heard learned counsel for the parties.

2. This application has been filed for quashing the
order dated 20.11.2021 by which Additional Chief Judicial
Magistrate-XII, Patna has taken cognizance against the



petitioners in Complaint Case No. 5599 (c) of 2019 registered for the offence under Section 420 read with section 34 of the Indian Penal Code.

3 As per prosecution, opposite party no. 2 filed a complaint petition in the court of Ld. Chief Judicial Magistrate, Patna. It is further alleged that KSSIPL is the company in which accused no. 1 and opposite party no. 2 are directors, petitioners no. 3 & 4, a private limited company registered office at Delhi. The opposite party no. 2 also stays in Delhi. The petitioner no. 1 and 2 are also resident of Delhi. Petitioner no. 2 is a private limited company having its registered office at Delhi. No transaction has taken place at Patna. The petitioner no. 1 and 2 have been made accused only on the basis of blood relation with the accused no. 1.

4. Both the parties have agreed to end their dispute and they have submitted that the matter be referred to the arbitration.

5. Both the parties have further submitted that they are resident of Delhi and arbitration may be directed to be held in Delhi. In view of the consent of the parties and their prayer, this matter is referred to arbitration.

6. Hon'ble Mr. Justice Shyam Kishore Sharma, a



retired Judge of Patna High Court is appointed as an Arbitrator in this case.

7. In view of above, this application is disposed of.

8. The order dated 20.11.2021 by which Additional Chief Judicial Magistrate-XII, Patna has taken cognizance in Complaint Case No. 5599 (c) of 2019 is hereby quashed against all the petitioners.

9. Let a copy of the order be communicated to Hon'ble Mr. Justice Shyam Kishore Sharma at the address given below forthwith.

**“Hon’ble Mr. Justice Shyam Kishore Sharma,
Library No. 2, Supreme Court of India, New Delhi- 110001
Resi. Cum Off. 161, Swarup Sadan Apartment, Pocket-4,
Sec-13, Dwarka, New Delhi- 110078. (Mobile- 9871141854,
Phone No.-011-7967106.**

(Sandeep Kumar, J)

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