

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8909 of 2022

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

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Rahul Roy Son Of Kaushlendra Roy Resident Of B.J.98, 2nd Floor, Near
Jaspal Kaur Public School, Shalimar Bagh (WEST), North West, Police
Station- Shalimar Bagh, New Delhi-110088

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Son Of Late Dineshwar Thakur Resident Of Baranti, Police
Station- Bidupur, District- Vaishali Presently Residing At Flat No. 110,
Sector-E, Pocket-Ii, Vasant Kunj, South West, New Delhi-110070.

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-07-2023 Heard learned counsel for the parties.

2. This application has been filed for setting aside the
order dated 05.11.2020 by which Additional Chief Judicial
Magistrate-XII, Patna has taken cognizance against the
petitioner 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 learned Chief Judicial
Magistrate, Patna. It is further alleged that KSSIPL is the
company in which petitioner and opposite party no. 2 are



directors. The opposite party no. 2 also stays in Delhi. The petitioner is also resident of Delhi. No transaction has taken place at Patna.

4. In view of the compromise entered between the parties where the parties have agreed to settle their dispute by way of arbitration which is apparent from the order dated **12.07.2023 passed in Cr. Misc. No. 10743 of 2022**, this matter is also referred to the arbitration.

5. In view of above, this application is allowed.

6. The order dated 05.11.2020 by which Additional Chief Judicial Magistrate-XII, Patna has taken cognizance in Complaint Case No. 5599 (c) of 2019 and the entire prosecution of the petitioner is hereby quashed.

(Sandeep Kumar, J)

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