

Arising Out of PS. Case No.-822 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

- Petitioner/s

1. The State of Bihar And Anr.
2. Ajay Kumar Agarawal S/o Late Narayan Lal Agrawal Proprietor of Steelco Infrastructure, Regd. Office- 121, Jamuna Apartment, Boring Road, Patna as Well as the Proprietor of ASP Enterprises, presently at 12B, Satyam Apartment, Kavi Raman Path, Nageshwar colony, P.O.- G.P.O. P.S- Budha colony Pin Code- 800001, District and Town- Patna (Bihar)

... .. Opposite Party/s

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

3 17-07-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order taking cognizance dated 06.11.2018, passed by learned Sub-Judge XVI-Cum-A.C.J.M., Patna in Complaint Case No. 822(C) of 2018 by which learned Magistrate has taken cognizance under Sections 406 of the Indian Penal Code.

3. From reading of the complaint, it appears that



the dispute is basically a business dispute between the accused and the complainant.

4. Learned senior counsel for the petitioners has drawn the attention of this Court to the work order between the petitioners and the complainant, which contains Arbitration Clause.

5. Both the parties agree that the matter can be decided in the Arbitration proceeding.

6. In view of the above, the case is referred to Arbitration and Sri Dinesh Kumar Sharma, District Judge (Retd.), A 104, Shiva Apartment, I A S Colony, Near Alankar Maruti, Rupaspur, Baily Road, Patna-801503 is appointed as the Arbitrator to decide the dispute between the parties as per the Arbitration and Conciliation Act 1996.

7. During the Arbitration proceeding, the parties will not take any objection with regard to the question as to whether the dispute is arbitrable or not,

8. The complaint which discloses civil dispute and not a criminal offence is quashed against the petitioners.

9. Let a copy of this order be communicated to Sri Dinesh Kumar Sharma, District Judge (Retd.), A 104, Shiva Apartment, I A S Colony, Near Alankar Maruti, Rupaspur, Baily



Road, Patna-801503, through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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