

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13304 of 2023

Arising Out of PS. Case No.-10994 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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M/S BHARTI AIRTEL LIMITED M/S Bharti Airtel Limited a company incorporated under the companies Act having its registered office at Airtel Centre, Plot No. 16, Udyog Vihar-IV, Gurugram, Haryana and local office at pot no.18, Patalipurtra Industrial Area, P.S Pataliputra, District Patna through its authorized signatory Ankit Gaurav, aged about 29 years, Male, Son of Ashok Kumar Mishra, at present posted as the Lead Legal in Bharti Airtel Ltd., At-18, Pataliputra Industrial Area, P.S. Pataliputra, Town and District Patna

... .. Petitioner

Versus

1. The State of Bihar
2. M/S Aparna Housing and Construction Pvt. Ltd. M/S Aparna Housing and Construction Pvt. Ltd. a company incorporated under the Companies Act having its registered office at Shashi Niketan, Budh Marg, P.S Kotwali, District Patna through its Managing Director Rakesh Prasad Singh son of Late Shashi Bhushan Prasad Singh, resident of VAU's Automobiles, Dak Bungalow Road, P.S Kotwali, District- Patna

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Chittaranjan Sinha, Sr. Advocate
		Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Uday Chand Prasad
For Opp. Party No.2	:	Mr. Ramakant Sharma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 03-04-2023 Heard Shri Chittaranjan Sinha, learned senior counsel assisted by Sri Rajesh Ranjan, learned counsel for the petitioner, Sri Uday Chand Prasad, learned counsel for the State and Sri Ramakant Sharma, learned senior counsel for the opposite party no.2.



This application has been filed for quashing of order dated 18.01.2023 passed by learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 10994 of 2022, by which the learned Magistrate has taken cognizance against the petitioner for the offence under Section 406 of the Indian Penal Code.

The petitioner was the tenant of opposite party no.2. There were certain disputes between the parties after the petitioner wanted to vacate the premises. Because of the dispute between the parties, the premises could not be vacated by the petitioner though the petitioner had terminated the Tenancy Agreement.

Pursuant to last order dated 20.03.2023, all the goods of the petitioner, which were lying in the premises, have been allowed to be taken away by the opposite party no.2. Now, the dispute between the petitioner and the opposite party no.2 is with regard to some rental amount, electricity bill and other claims of the opposite party no.2.

Both the parties have agreed for arbitration by a retired Hon'ble Judge of this Court. They have given consent for the arbitration to be done by Hon'ble Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court.



In this view of the matter, Hon'ble Mr. Justice Shyam Kishore Sharma (Retired) is appointed an an Arbitrator to resolve the dispute between the parties.

Both the parties will approach Hon'ble Arbitrator for arbitration. This Court requests Hon'ble Arbitrator to conduct the proceeding in accordance with the Arbitration & Conciliation Act, 1996 and complete the same within statutory period starting from the date of initiation of first day of proceeding.

For any interim claim, the petitioner or opposite party no.2 may approach the Hon'ble Arbitrator in accordance with law.

So far as the present complaint is concerned, it is an admitted fact that this is a dispute between the petitioner and the opposite party no.2 who are being landlord and the tenant are fighting for long. In view of the fact that both the parties have agreed for settling the dispute through arbitration, this Application is allowed.

Accordingly, the Complaint Case No. 10994 of 2022 registered under section 406 of the Indian Penal Code and all the proceedings arising out of the said complaint including the order dated 18.01.2023 passed by learned Judicial



Magistrate, 1st Class, Patna, are hereby quashed and set aside in
the interest of justice.

(Sandeep Kumar, J)

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