

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 418 of 2019**

Prem Ranjan Mani Pathak	Petitioner
Versus		
1.The State of Jharkhand		
2. Binod Yadav	Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Kanti Kumar Ojha, Advocate
For the State	:	Mr. Sarvendra Kumar, Advocate
For the O.P. No. 2	:	Mr. Sahay Gaurav Piyush, Advocate

05/Dated: 09/09/2021

Heard Mr. Kanti Kumar Ojha, learned counsel for the petitioner, Mr. Sarvendra Kumar, learned counsel for the State and Mr. Sahay Gaurav Piyush, learned counsel for the O.P. No. 2.

This petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent these matters have been heard.

The present petition has been filed for quashing of F.I.R. being Giridih (Muffassil) P.S. Case No. 235 of 2019 lodged against the petitioner.

Mr. Kanti Kumar Ojha, learned counsel appearing on behalf of the petitioner submits that F.I.R. is subject matter of commercial transaction. He submits that there is agreement between the parties whereas para 8 speaks about Arbitration Clause and the case is completely civil in nature inspite of that F.I.R. has been lodged.

Learned counsel for the O.P. No. 2 submits that there is allegation against the petitioner and the case is not civil in nature that is why F.I.R. has been lodged.

A counter-affidavit has been filed on behalf of the State whereas final form submitted by the police has been annexed. In the final form police

has opined that the case is civil in nature and the case has been closed.

Since final form has been submitted during pendency of this petition, nothing survives to decide at this stage by this Court and it is for the trial court to consider the final form.

Accordingly, this writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/-