

C-482 No. 102 of 2020

With

Urgency Application No. 756 of 2020

Hon'ble N.S. Dhanik, J.

Mr. S.R.S. Gill, Advocate for the applicant.

Mr. Siddharth Bisht, Brief Holder for the State of Uttarakhand.

Learned counsel for the applicant would submit that the agreement between the applicant and respondent no. 2 and the other persons, took place in Mumbai which is a notarized document and was notarized on 08.09.2014 and it is also relevant to mention here that in the agreement it was also mention in point 21 regarding any dispute between the parties and the same shall be covered under Arbitration and Conciliation Act, 1996 and he would also submit that the jurisdiction of the same will lie at Mumbai, thus, it is important to mention here that the agreement was signed by the respondent no. 2 at Mumbai, the affidavit was signed by respondent no. 2 at Mumbai and further there is arbitration clause in the agreement, thus, an FIR itself is without jurisdiction and is liable to be quashed by this Hon'ble Court.

Issue notice to the second respondent.

Steps be taken within a week.

Learned counsel for the State prays for and is granted six weeks' time to file counter affidavit.

List this case after six weeks.

Meanwhile, summoning order issued against the present applicant shall be kept in abeyance till the next date of listing.

Let a certified copy of this order be issued to the learned counsel for the parties, today itself, on payment of usual charges.

Urgency application stands disposed of.

(N.S. Dhanik, J.)
Vacation Judge
15.01.2020