

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.867 of 2022**

Arising Out of PS. Case No.-82 Year-2022 Thana- SACHIVALAYA District- Patna

1. Dileep Kumar Director Datacon Technologies Pvt. Ltd., Son of Jayprakash M A R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnatka - 560085
2. Dileep Kavitha Wife of Dileep Kumar Director Datacon Technologies Pvt. Ltd., R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnatka - 560085
3. Raghavendra Narayan Kulkarni Son of Narayan Kulkarni R/o 498/51, 3rd floor, 4th A Cross, RPC Layout Vijaynagar, North Bangalore, Bengaluru, Karnatka - 560104
4. Amresh Singh Son of Ramdeo Singh Ex Project Incharge, Datacon Technologies Pvt. Ltd., Maurya Vihar Colony, Opposite B.K. Singh, Near D.A.V. School, Kumhrar, B.H. Colony, Patna Sadar, Patna, Bihar - 800026
5. Pramit Kumar Keshari Son of Dilip Prasad Keshri System Administrator/ Data Centre Expert, Datacon Technologies Pvt. Ltd., Near Chatt Talab, Vikash Nagar, Katras Road, Matkuria, Dhanbad, Jharkhand - 826001
6. Datacon Technologies Pvt. Ltd. through its Director Dileep Kumar, At 31/10 Left of Magadi Main Road, Behind Saraswathi Convention Center, Bengaluru, Karnatka - 560079

... .. Petitioner/s

Versus

1. The State of Bihar, Through Chief Secretary State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Senior Superintendent of Police, Patna Bihar
4. The Officer-In-charge, Sachivalaya Police Station, District Patna Bihar
5. Krishna Kumar, Deputy Commissioner, Prohibition, Excise and Registration Department, New Secretariat, Patna, Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate  
For the Respondent/s : Mr.Harun Quareshi, AC to SC-1

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      29-09-2022                      Mr. Dhananjay Kumar, learned counsel for the petitioner undertakes to remove the defects by 17<sup>th</sup> of October, 2022.

Learned counsel for the petitioner pays for allowing



him to add the words 'Private Limited' at the end of the name of the entity Datacon Technologies. Learned counsel submits that it is Datacon Technologies Pvt. Ltd.

In the nature of the prayer, learned counsel for the State does not object.

Permission is granted. Learned counsel shall add the word 'Private Limited' wherever applicable.

N.I.C. shall accordingly correct the title portion.

Heard learned counsel for the petitioner and Mr. Harun Quareshi, learned AC to SC-1 for the State.

This writ application has been filed for quashing of the FIR giving rise to Sachivalaya P.S. Case No.82 of 2022 dated 02.06.2022 registered under Sections 353, 420, 406 and 120B of the Indian Penal Code and all other consequential proceeding.

Learned counsel for the petitioner submits that the petitioner no. 6 is a company namely Datacon Technologies Pvt. Ltd. represented through petitioner no.1. The petitioner nos.4 and 5 are the employees of the company, petitioner no. 2 is a director whereas petitioner no. 3 has nothing to do with this company but has been made accused under some wrong notion of his relationship with the company. It is submitted that the petitioner no. 6 is empanelled with Karnatka State Electronics



Development Corporation Limited (in short 'KEONICS'). An agreement was entered into between the Bihar State Beverages Corporation Limited (in short 'BSBCL') and the said KEONICS on 16.01.2017 by executing a master service agreement as Total Solution and Service Provider to implement the project of 'IEMS' for the Department of Prohibition, Excise and Registration Department, Government of Bihar. The 'KEONICS' undertook the project of 'IEMS' through its empanelled agency i.e. Datacon Technologies Pvt. Ltd (petitioner no.6).

It is alleged as per the FIR that the department had taken up certain issues with the vendor i.e. KEONICS since beginning of the project, the project was not completed by the prescribed time limit and the vendor of the Datacon Technologies Pvt. Ltd. failed to provide required infrastructure.

Learned counsel for the petitioner submits that in fact the project could not be completed because of negligence on the part of the informant's department and despite issues raised by 'KEONICS' the department did not take remedial measures. The agreement contains an arbitration clause.

Learned counsel submits that from a bare perusal of the FIR it would appear that the allegations are in the nature of a



complaint with regard to deficiency in service and by no stretch of imagination it can give rise to a criminal proceeding. It is submitted that the Deputy Commissioner, Prohibition, Excise and Registration Department, Bihar, Patna has misused his position as a government servant and influenced the officer in-charge of Sachiwalaya police station to register a criminal case against the petitioners who has done it in a routine manner.

Issue notice to the respondent no.5 both by registered cover with A/D as well as ordinary process for which requisites etc. must be filed by 17<sup>th</sup> October, 2022, failing which this application, as against him, shall stand dismissed without further reference to a Bench.

Learned counsel for the State shall seek instruction and file a counter affidavit.

Also call for a legible carbon/photostat copy of the case diary of Sachiwalaya P.S. Case No.82 of 2022 from the court of learned Sub Judge-II-cum-ACJM-II, Patna.

In the nature of the submissions noted hereinabove and the complaint prima-facie satisfying this Court that the allegations are at best in the nature of a complaint against deficiency in service or a breach of contract by the vendor of petitioner no.6, this Court directs that till further order, no coercive action shall be taken against the petitioners.



List this case after service of notice or on 01.12.2022  
whichever is earlier under the appropriate heading maintaining  
its position.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

