

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 7470 of 2012

Arising out of P.S. Case No. -230 Year- 2008 Thana -null
District- PATNA

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Himanshu Bhushan Narayan S/o Late Dr. Mahesh Narayan R/o
102, Pushpanjali Venkatesh, Budh Marg, P.S. Kotwali Town and
District – Patna.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Adv.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 18.10.2011 passed by the Chief Judicial Magistrate, Patna in Buddha Colony P.S. Case No. 230 of 2008.

The case of the Informant is that on 07.10.2008 the owner of a certain restaurant and other persons entered his shop and asked him to vacate the same to which he protested. On his protest, the accused persons started to ransack the godown and, hence, the present First Information Report.

It has been submitted that the First Information Report itself reveals that there was some kind of land-lord and tenant dispute and, therefore, the present First Information Report has been instituted only with a reason

to ensure the Informant's tenancy.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the facts of the case, I would be inclined to agree with the submission of the Petitioner.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 18.10.2011 passed by the Chief Judicial Magistrate, Patna in Buddha Colony P.S. Case No. 230 of 2008 is, hereby, set aside.

The Application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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