

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19193 of 2014

Arising out of P.S. Case No. -396 Year- 2008 Thana -
SAHAYAK NAGAR District- KATIHAR

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Tarun Kant Prasad @ Tarun Kant Son of Sri Saryug Rai resident of
village- Isrouwapur, Police Station- Doriganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.

For the Opposite Party/s: Mrs. Indu Bala Pandey, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-04-2015

The Petitioner seeks quashing of the order of
cognizance dated 05.02.2011 passed by the Chief Judicial
Magistrate, Katihar in Katihar (S) P.S. Case No. 396 of
2008 (Tr. No. 3256 of 2011) on the ground of compromise
having been entered into between the parties.

Notices had been issued to the Opposite Party
No. 2 at one point in time upon which the matter was
referred to the Mediation Centre but the Opposite Party
No. 2 never appeared there.

Today, also no Counsel is present on behalf of
the Opposite Party No. 2.

The Counsel for the Petitioner specifically
asserts that he had informed the Informant telephonically
about mentioning of the case and even today.

Considering Annexure-2 which is compromise petition and the non-appearance of the Opposite Party No. 2 probably for this reason she did not appear before the Mediation Centre, the entire proceeding including the order of cognizance dated 05.02.2011 passed by the Chief Judicial Magistrate, Katihar in Katihar (S) P.S. Case No. 396 of 2008 (Tr. No. 3256 of 2011) is, hereby, set aside.

The Application stands allowed.

In future, if the Complainant feels that this order is passed in a misconception she will be at liberty to mention before this Court for revival of this application.

(Anjana Prakash, J.)

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