

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17672 of 2012

Arising Out of PS.Case No. -185 Year- 2007 Thana –Gandhi Maidan District- PATNA

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1. Ajay Kumar,
2. Dilip Kumar, both sons of Nagarmal Bajoriya,
3. Sunita Devi, W/O Ajay Kumar, All residents of S.P.Verma Road, P.S.-Gandhi
Maidan, Distt & Town-Patna Petitioners

Versus

1.The State Of Bihar
Ujjawal Kumar, S/o Shri Lalan Singh, R/O village-Mataso, P.S. Fatehpur, Dist.
Gaya Opposite Parties

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

It has been submitted on behalf of the
petitioners that till date no charges have been
framed.

The Petitioners seek quashing of the order
of cognizance dated 02.04.2012 passed by the Judicial
Magistrate 1st Class, Patna in Gandhi Maidan P.S. Case
No. 185 of 2007.

The case of the informant is that one M/S
Agro Nawjiwan Company Private Limited was functioning
in the house of the petitioners where some students
had been called for training. On payment by 50
students at the rate of Rs. 350/- for admission, the
Company fled away. Surprisingly, the case was
instituted only against the petitioners.

It has been submitted on behalf of the
petitioners that the person, who was running the

Institute was not made an accused and instead petitioners on whose permission the institute had been rented have been arrayed an accused in the present First Information Report. In the case diary apart from the fact that the petitioners were the landlords, there is no mention of direct complicity. Despite the same charge sheet was submitted.

Notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

The case diary was also called for and on going through the case diary the only aforesaid material has transpired.

Considering such a situation, the proceeding and the order of cognizance dated 02.04.2012 passed by the Judicial Magistrate 1st Class, Patna in Gandhi Maidan P.S. Case No. 185 of 2007 is, hereby, set aside.

However, the quashment of the present proceeding shall have no bearing on any other claims.

The Application stands allowed.

(Anjana Prakash, J.)

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