

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25306 of 2012

Arising Out of Complaint Case No. -845(C) Year- 2010 District- MUNGER

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Ajay Kumar Tiwary, son of Shri Suresh Prasad Tiwary, r/o Shivpuri, P.S. Shastri Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramdev Singh, son of late Maharaj Singh, r/o village Raghunathpur Nazira, P.O. Kalyanpur, P.S. Bariyarpur, Distt. Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dekshit, Adv.

For the State : Mr. Umashankar Pd. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 11.1.2012 passed by the Judicial Magistrate, 1st Class, Munger, in Complaint Case No. 845(C) of 2010.

The case of the Complainant is that on the date of occurrence he had sent a legal notice to the accused Nos. 1 and 2 upon which the accused persons started to assault him. Where the present Petitioner is concerned, who was the Circle Officer, never met Complainant despite several attempts and his grievance with regard to some mistake in the mutation having been committed by the accused No. 1, was not redressed by him.

In the nature of allegation, notices had been issued to

the Opposite Party No. 2 but no one appears on his behalf.

Having considered the facts and the Complaint, I would be inclined to hold that no Criminal offence is made out as against any of the accused persons and, hence, Prosecution deserves to be set aside.

In such view of the matter, the application is allowed and the order dated 11.1.2012 passed by the Judicial Magistrate, 1st Class, Munger, in Complaint Case No. 845(C) of 2010, so far as the all accused persons, is hereby set aside.

(Anjana Prakash, J)

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