

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34427 of 2011

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1. Ajit Nath Sahay, Son Of Late Bali Nath Sahay, Resident Of House No.V-5, Mihir Path, East Boring Canal Road, P.S. - Buddha Colony, District-Patna, at Present Practising as an Advocate in Hon'Ble High Court, Patna.
 2. Srimati Kumkum Sahay, Wife Of Ajit Nath Sahay, Resident Of House No.V-5, Mihir Path, East Boring Canal Road, P.S. Buddha Colony, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Indira Gupta, wife of Sri Pankaj Kr. Gupta, Advocate, Patna High Court Advocate Association, High Court, Patna, P.S. Kotwali, P.O. Patna High Court, Patna, Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Gopesh Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 06-02-2015

No one appears on behalf of the Petitioners.

The Petitioner seeks quashing of the order dated 5.9.2011
passed by the Chief Judicial Magistrate, Patna, in Buddha Colony P.S.
Case No. 69 of 2010, G.R. No. 2160 of 2010.

The case of the Informant is that on the date of occurrence,
her husband with whom she was not on good terms set up the landlord
and his wife upon which they entered into her room and started to
assault her and also one Sanjiv Jaiswal who happens to be a friend of
her husband attempted to commit rape.

It was submitted on behalf of the Petitioner that fact of the

matter is that there was some marital incompatibility between spouses, which often to lead unpleasant situations, on account of which, the Petitioners as landlords wanted to terminate their tenancy. They had taken all steps, including cutting off the electricity line but it was of no avail. In fact, the Informant had also given an undertaking before the Police that she would vacate the premises but instead of doing so, this case was filed for the reason of exploiting them.

The case diary was called for to verify the claim of the Petitioners and on going through the same, the APP submits that all independent material is in support of the present Petitioners.

Considering the same, the application is allowed and the order dated 5.9.2011 passed by the Chief Judicial Magistrate, Patna, in Buddha Colony P.S. Case No. 69 of 2010, G.R. No. 2160 of 2010 so far as the Petitioners are concerned, is hereby set aside.

Let the case diary be remitted to the Court below immediately.

(Anjana Prakash, J)

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