

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14108 of 2013

Arising out of P.S. Case No. -645 Year- 2012 Thana -PATNA
COMPLAINT CASE District- PATNA

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1. Iffat Anjum @ Iffat Anjuman W/o Afsar Ahmad Resident of Jogibeg Barangana Near Durukhi Mogalpura, P.S.- Khajekallan, District- Patna.
 2. Afsar Ahmad S/o Late Asfaquellah Resident of Jogibeg Barangana Near Durukhi Mogalpura, P.S.- Khajekallan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sajjid Eqbal S/o Late Md. Sanaullah Resident of Mohalla- Jogibeg Barangana Durukhi Mogalpura, P.S.- Khajekalan, District- Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S. Dayal, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 10.10.2012 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 645 of 2012.

The case of the Complainant is that when he went to his terrace to hang his clothes the accused persons assaulted him and tore off his clothes.

It has been submitted on behalf of the Petitioners that they are close relatives and there were some differences between them on account of which two cases were instituted. One of them is Alamganj P.S. Case

No. 196 of 2009 instituted by Petitioner No. 2. In the said case, the allegation was also relating to some minor dispute over the property.

It appears that both the parties are close agnates and there is some dispute between them which are minor in nature. It would be in their interest that the prosecutions of both cases be quashed.

In view of such, the entire proceeding including the order of cognizance dated 10.10.2012 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 645 of 2012 is, hereby, set aside.

Also, the further proceeding of Alamganj P.S. Case no. 196 of 2009 pending before the Additional Chief Judicial Magistrate, Patna City, Patna is, hereby, set aside.

The application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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