

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42101 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- SIWAN

- =====
1. Hadish Mian, Son of Usman Mian.
 2. Tawkal Mian @ Tawkal Hussain, Son of Usman Mian.
 3. Gulam Mohammad, Son of Tawkal Mian.
 4. Kadir Mian @ Kadir Ansari, Son of Hadish Mian. All are resident of Village-Chandparsa, P.S.-M.H. Nagar Hasanpura, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dewanti Devi, Wife of Shri Chandradeo Prasad, Resident of Village-Chandparsa, P.S.-M.H. Nagar, Hasanpura, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The Petitioners seek quashing of the order dated 16.10.2009 passed by the 4th Additional Sessions Judge, Siwan in Cr. Rev. No. 124 of 2008 arising out of Complaint Case No. 821 of 2007.

The case of the Complainant is that the accused persons stole cucumber from her field and when she protested she was assaulted and her Mangal Sutra was taken away by them.

It has been submitted on behalf of the Petitioners that the allegations are absurd and they are being harassed.

On the other hand, Counsel for the Complainant submits that since the Revisional Court after due consideration of the nature of allegations set aside the order of discharge they should be prosecuted.

Having considered the minor nature of allegations, I would be inclined to hold that the present prosecution is unwarranted and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order dated 16.10.2009 passed by the 4th Additional Sessions Judge, Siwan in Cr. Rev. No. 124 of 2008 arising out of Complaint Case No. 821 of 2007 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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