

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 8998 of 2013

Arising out of P.S. Case No. -637 Year- 2012 Thana -
COMPLAINT CASE District- Kishanganj

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Chandradeo Singh @ Chandradeo Panchayat Sewak, Resident of
Village Panchayat Natwapara P.S. Bahadurganj District Kishanganj.
.... Petitioner/s

Versus

1. The State of Bihar.
2. Jhangir Kaleem S/o Late Kalimuddin, Resident of Village
Natwapara P.S. Bahadurganj Distt. Kishanganj.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 03.07.2012 passed by the Chief Judicial Magistrate, Kishanganj in Complaint Case No. C637 of 2012.

The case of the Complainant is that the Petitioner took a certain amount of money but did not give them the benefit of Indira Awas Yojna.

It has been submitted on behalf of the Petitioner that during inquiry a report was called for from the BDO, Bahadurganj who submitted that the Complainant's name was at Serial No. 703 and Indira Awas had been allotted only upto the Serial No. 597 and, hence, his grievance that he had been cheated is false. Moreover,

allegation with regard to assault etc. are mere embellishments so as to somehow drag the Petitioners before a Criminal Court.

The Counsel for the Complainant submits that since the Petitioner had entered in his house and assaulted him he should be put on trial.

Having considered the facts mentioned above, I would be inclined to agree with the submission of the Petitioner.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 03.07.2012 passed by the Chief Judicial Magistrate, Kishanganj in Complaint Case No. C637 of 2012 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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