

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39632 of 2013

Arising Out of PS.Case No. -2832 Year- 2009 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Kiran Singh D/O Shri Vidya Sagar Singh, Resident Of Village Bhikhanpura, P.S. Desari, District Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Yashwant Kumar Singh S/O Shri Satya Narayan Singh, Resident Of Village Bhikhanpura, P.S. Desari, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the State : Mr. Amitesh Kumar, APP
For Opposite Party No.2 : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

The Petitioner seeks quashing of the order of cognizance dated 18.1.2010 passed by the Judicial Magistrate, 1st class, Hajipur in Complaint case No.2832 of 2009 (Trial No.675 of 2009 now Trial No.3529 of 2013).

The case of the Complainant is that his uncle Vidya Sagar Singh and his father are own brothers and are living in the same house. On the date of occurrence, the accused persons started to demolish his wall and on protest he was assaulted and the house hold articles were stolen away.

It has been submitted on behalf of the Petitioner that as conceded in the Complaint Petition the parties belong to the same

family and there was some partition issue between the parties, which has led to institution of this false case in order to coerce them into compromise.

On the other hand, the Counsel for the Complainant submits that since cognizable offences are made out in the facts of the case, the Petitioner should not be exonerated.

Having considered the nature of allegations and the relationship, I would be inclined to hold that in the background dispute the present Complaint is frivolous in nature and deserves to be set aside.

Hence, the application is allowed and the order of cognizance dated 18.1.2010 passed by the Judicial Magistrate, 1st class, Hajipur in Complaint case No.2832 of 2009 (Trial No.675 of 2009 now Trial No.3529 of 2013) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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