

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35991 of 2012

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Sat Ram Prasad S/o Late Shivjee Prasad, Resident of Janki Nagar,
Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Anandi Prasad S/o Kishori Prasad, R/o Village Mirjapur Nohta, P.S.
Fatuha, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Arun Kumar(App)
Mr. Anirudh Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 09-04-2015 Heard learned counsel for the petitioner, learned Addl.
Public Prosecutor as well as Sri Anirudh Kumar Singh, learned
counsel, who has appeared on behalf of complainant/opposite
party no. 2 regarding appearance of whom, notice was directed to
be issued and this Court had also stayed further proceeding in the
court below.

In the present petition filed under Section 482 of the
Code of Criminal Procedure, the sole petitioner has prayed for
quashing of an order dated 09-02-2005 passed by the learned
Judicial Magistrate 1st Class, Patna City (in short “Magistrate”) in
Complaint Case No. 963 of 2004. By the said order, the learned
Magistrate has taken cognizance under Sections 406, 120 B/34 of

the Indian Penal Code.

Learned counsel for the complainant, at the very outset, submits that the dispute in between the parties has already been settled and now the complainant does not want to pursue the matter.

In view of the facts and circumstances, particularly; the stand taken by the learned counsel for the complainant/opp. party no. 2, the Court is of the opinion that no purpose would be served in allowing the proceeding to further proceed in the complaint case before the court below.

Accordingly, the order dated 09-02-2005 passed by the learned Judicial Magistrate 1st Class, Patna City in Complaint Case No. 963 of 2004 as well as further proceeding are, hereby, set aside.

The petition stands allowed.

(Rakesh Kumar, J.)

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