

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 13875 of 2009**

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

- =====
1. Shailendra Singh, S/o Chandrashen Singh, Resident of Village-Koyladeva, P.S.-Koyladeva (O.P.) Phulwaria, District-Gopalganj (Bihar).
  2. Sanjay Singh, S/o Late Vijay Gopal Singh, Resident of Village-Jalalhi, P.S.-Uchkagaon, District-Gopalganj (Bihar).

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Aanand Mohan Singh, S/o Madan Gopal Singh, Resident of Village-Jalalhi Tola, P.S.-Uchkagaon, Distt.-Gopalganj (Bihar).

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 10-07-2015**

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 24.01.2009 passed by the Judicial Magistrate, Gopalganj in Complaint Case No. 1021 of 2007 (Tr. No. 2941 of 2009).

The case of the Complainant is that on the date of occurrence the accused persons came upon his land and assaulted him on account of which he was seriously injured.

The submission of the Petitioners is that fact of the matter is that the present Complaint has been instituted as a counter-blast to a case instituted by the

wife of Petitioner No. 2 on 27.05.2007 Uchkagaon P.S. Case No. 58 of 2007. It was four days later that the present Complaint was filed without any medical report. The further submission of the Petitioner is that the case being petty in nature the prosecution be set aside.

Considering the background of the dispute as also the fact that there is no medical report, the entire proceeding including the order of cognizance dated 24.01.2009 passed by the Judicial Magistrate, Gopalganj in Complaint Case No. 1021 of 2007 (Tr. No. 2941 of 2009) is, hereby, set aside.

The application stands allowed.

**(Anjana Prakash, J.)**

Vikash/-

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