

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24475 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- KHAGARIA

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Aditya Prasad, son of late Haril Mehta, resident of Flat No.204, Shambhavi Apartment, Boring Road, P.S.- S. K. Puri, District- Patna, at present posted as Deputy Secretary, Rural Development Department, Government of Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Vinod Kumar Yadav, son of Sri Mahavir Prasad Yadav, resident of village and Post-Lakhminiya, P.S.-Balua, district- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Sinhg, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

Mr. Hare Krishna Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

1. The Petitioner seeks quashing of the order of cognizance dated 18.07.2005 passed by the Sub-Divisional Judicial Magistrate, Khagaria, in Complaint Case No.651-C of 2002.

2. The case of the Complainant is that on the date of occurrence the accused persons came to his house and surrounded him as also they assaulted him and committed theft of his house hold articles.

3. Submission of the Petitioner is that he as a House Controller along with rest of the accused persons, who were government officials, had taken action against the brother of the Complainant in an Eviction Suit. Being aggrieved with the legal

acts, the Complainant foisted with false complaint with all kinds of trumped up charges.

4. On the other hand, counsel for the Complainant submits that since cognizable offences are made out in the Complaint Petition, prayer be not allowed.

5. Having considered the documents annexed herewith, I would be inclined to hold that the Complaint Petition is malicious in nature and deserves to be set aside.

6. In view of such, the order of cognizance dated 18.07.2005 passed by the Sub-Divisional Judicial Magistrate, Khagaria, in Complaint Case No.651-C of 2002, is hereby set aside.

7. The application stands allowed.

(Anjana Prakash, J)

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