

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32853 of 2012

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Mahendra Yadav, S/O Resiklal Yadav, R/O Village - Jhandapur, P.S.
Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Phudo Devi, W/O Sri Sita Ram Mandal, R/O Village - Jhandapur, P.S.
Bihpur, District - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 13-02-2015 Heard learned counsel for the Petitioner and the

State.

The Petitioner seeks quashing of the order of cognizance dated 28.6.2011 passed by the Sub Divisional Judicial Magistrate, Naugachia, in Bihpur (Jhandapur) P.S. Case No. 238 of 2010, G.R. No. 697 of 2010.

The case of the Informant is that on the date of occurrence, the accused persons enter into her house to stop the meeting going on in her house and also fired from their Arms and committed theft of their personal possession.

It has been submitted that after due investigation, Final Report was submitted under all the Sections except 504 Indian Penal Code.

It appears that the sister-in-law of the Informant had sold her homestead land in favour of the Petitioner by virtue of a registered sale deed on 28.4.2010. On being aggrieved with such an act, she filed the First Information Report with evidently false allegation. Moreover, the fact of abuse in the background of civil dispute appears to be superfluous.

Notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered such aspect of the matter, the application stands allowed and the Proceeding including the order of cognizance dated 28.6.2011 passed by the Sub Divisional Judicial Magistrate, Naugachia, in Bihpur (Jhandapur) P.S. Case No. 238 of 2010, G.R. No. 697 of 2010, as against all the accused persons, is hereby set aside.

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(Anjana Prakash, J)

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