

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30688 of 2012

Arising Out of PS.Case No. -109 Year- 2007 Thana Buddha Colony District- PATNA

=====

1. Manju Ranjan, wife of Sri Vikash Ranjan Sinha
2. Mukta Sinha, wife of Sri Ranjan Kumar Sinha
3. Neha @ Arpita Sinha, daughter of Sri Ranjan Kumar Sinha
4. Rinccu @ Ranjeeta Sinha, daughter of Sri Ranjan Kumar Sinha
All residents of Jagannath Tower, Nala Road, P.S. Kadamkuan, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar Gupta, son of Hari Narayan Gupta, Advocate, r/o Machua Toli, P.S. Kadam Kuan, Distt. Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.
Mr. Rajesh Ranjan Tripathy, Adv.
Mr. Diwakar Sinha, Adv.
For the State : Md. Sufiyan, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 5.7.2011 passed by the Chief Judicial Magistrate, Patna, in G.R. No. 3537 of 2007 arising out of Buddha Colony P.S. Case No. 109 of 2007.

The case of the Informant is that he had booked a Flat in Jaishree Apartment in Patna with the accused persons at the cost of Rs.5,00,000/- and he was told that the Flat would be allotted by 2004, so he paid a sum of Rs.2,42,000/- but no Flat was allotted to him. On 4.8.2007, he found that some unknown persons had occupied his Flat

who threatened him of dire consequences.

It has not been submitted that so far as the Petitioners are concerned, they are ladies and wife and daughters of Builder and they had neither transacted with the Informant nor had any role to play in the same.

Notices had been issued to the Opposite Party No. 2 but despite service of notice upon his sister, he has chosen not to appear before this Court.

Considering the factual aspects of the matter, the application stands allowed and the order of cognizance dated 5.7.2011 passed by the Chief Judicial Magistrate, Patna, in G.R. No. 3537 of 2007 arising out of Buddha Colony P.S. Case No. 109 of 2007 so far as the present Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--