

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 26896 of 2009

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

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1. Sunil Prasad @ Sunil Kumar.
 2. Chandra Shekhar Prasad, Both sons of late Beni Prasad.
 3. Guriya Devi, W/o Sunil Kumar.
 4. Anita Devi, W/o Chandra Shekhar Prasad. All resident of Village-Dighwara, P.S.-Dighwara, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Kusum Saha, W/o Shri Arjun Prasad, Resident of Sudhi Tola near Gandhi Chowk Mahendru, P.S. Pirbahore, District-Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 01.05.2006 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3547(C) of 2005.

The case of the Complainant is that the Petitioners were tenants in her house. However, defaulted in payment of rent at which they were sought to be evicted but did not vacate house on account of which her husband filed an Eviction Suit. When the accused

persons came to know of it they threatened her and also snatched away her movable property.

It has been submitted on behalf of the Petitioners that as is evident from the narrative of the Complaint essentially the dispute is on account of sour relation-ship between them as tenants and land-lord. The rest of the allegation was with regard to threat/assault and snatching of personal articles have only been levelled with a view to ensure that the Petitioners be brought before a Criminal Court.

Having considered the background facts, I would be inclined to agree with the submission of the Petitioners.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 01.05.2006 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3547(C) of 2005 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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