

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 51040 of 2008

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

=====

Dr. Ranjan Kumar @ Lalu, Son of Sri Satya Narayan Thakur,
Resident of Village-Jay Prakash Nagar, Police Station-Khagaria,
Police Station-Khagaria, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Pawan Kumar Paswan, S/o Sandoz Paswan, R/o Village-
Mathurapur, P.S.-Dist.-Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Rahmatulah, Adv.

For the Opposite Party/s : Mr. Binod Kumar, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 18.09.2009 passed by the Judicial Magistrate, 1st Class, Khagaria in Khagaria P.S. Case No. 609 of 2006 arising out of Complaint Case No. 296 of 2008.

The case of the Informant is that the Petitioner was running his clinic in his house where the Informant went for his treatment on which the Petitioner advised him but condition did not improve. He later on learnt that he was not suffering from T.B. and fake medicines of T.B. were given to him.

It has been submitted on behalf of the Petitioner that he never treated the Informant and he has only a

registered medical shop. Informant never came to him and the allegations are not supported with any document.

On the other hand, the Counsel for the Informant submits that since the Petitioner had treated him casually he should be put on trial.

Having considered the oral uncontroverted nature of allegations, in my opinion, the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the entire proceeding as against all the Petitioners including the order of cognizance dated 18.09.2009 passed by the Judicial Magistrate, 1st Class, Khagaria in Khagaria P.S. Case No. 609 of 2006 arising out of Complaint Case No. 296 of 2008 is, hereby, set aside.

The application stands allowed.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J.)

Vikash/-

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