

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 8019 of 2011

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

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1. Madan Mohan Agrawal, Son of Late Pokhar Mal Modi.
 2. Umesh Kumar Agrawal @ Umesh Agrawal, Son of Mohan Agrawal. Both resident of Ashiyana Galaxy, Room No. 15, 1st Floor, Exhibition Road, P.S.-Gandhi Maidan, Distt.-Patna at permanent address: Nehru Vihar Apartment Boaring Road, P.S.-Sri Krishnapuri, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, Son of Ramji Prasad, Resident of Tulshi Mandi, P.S.-Alamganj, Distt.-Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

Supplementary-Affidavit has been filed stating therein that the Petitioner No. 1 is now dead. The application is, hereby, dismissed against him as having become infructuous.

The Petitioner No. 2 seeks quashing of the order of cognizance dated 24.04.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in C.A. No. 159 of 2009.

The case of the Complainant is that he had taken premises on rent for six months but the accused persons forcibly got it vacated and also snatched away his money.

It has been submitted that the Complaint appears to be absurd and perverse having been instituted on account of differences between these parties being tenants and land-lords.

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

Having gone through the Complaint Petition, I am inclined to agree with the submission of the Petitioner, and hence the proceeding as against all the accused including the order of cognizance dated 24.04.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in C.A. No. 159 of 2009 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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