

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29243 of 2008

Arising Out of PS.Case No. -1072 Year- 2006 Thana -null District- PATNA

- =====
1. Satish Kumar Singh alias Satish Singh
 2. Arvind Kumar Singh alias Arvind Kumar, both sons of late Sukhdeo Singh, resident of 126, MIGH, Lohiya Nagar, P.S. Kankarbagh, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Prema Sinha w/o Sri Tanni Prasad Sinha, 126 MIGH, Kankarbagh, P.S. Kankarbagh, District Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. H.A. Khan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-05-2015

The Petitioners seek quashing of the order of cognizance dated 20.7.2007 passed by the A.C.J.M., Patna in Kadam Kuan (Kankarbagh) P.S. case No.1072 of 2006.

The case of the Informant is that she was paying rent regularly since 1999 but the sons of the landlord were not behaving properly with her and often abused her. On the date of occurrence, reportedly the Petitioner No.1 picked up a chair and attempted to assault her. The Informant suspected that the sons of the landlord wanted her to vacate the house which is why they were acting in the manner aforesaid.

It has been submitted on behalf of the Petitioners that it is indeed true that the Informant was their tenant and refusing to vacate

the premises rented out to her despite having defaulted in payment of rent. When the Petitioners tried to reason with her, she instituted this First Information Report with mala fide reasons.

On the last occasion notices had been issued to the Informant but she could not be reached.

Having considered the nature of allegations in the First Information Report, I would be inclined to hold that it was instituted at the time when the relationship between them existed as landlords and tenants and some differences appeared in the said relationship. It would be in the interest of justice that now the trauma of all parties concerned be ended.

Hence, the application is allowed and the proceeding including the order of cognizance dated 20.7.2007 passed by the A.C.J.M., Patna in Kadam Kuan (Kankarbagh) P.S. case No.1072 of 2006 is hereby set aside.

However, this order shall not give any advantage to any person.

(Anjana Prakash, J)

Narendra/-

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