

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52929 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- SASARAM (ROHTAS)

- =====
1. Sukhilal Shukla @ Dr.S.L.Shukla son of late Ram Chandra Shukla
 2. Pranpati Devi w/o Dr. S.L. Shukla
 3. Lav Kush Upadhyay @ Lav Kush Shukla son of Uday Nath Upadhyay, all are residents of village Sanjhauli (Sapna Pathology), P.S. Sanjhauli, District Rohtas
- Petitioner/s

Versus

1. The State of Bihar
2. Ram Surti Singh S/o late Chandrika Singh, resident of village Bataura, P.S. Sanjhauli, District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subash Kumar No.1, Advocate

For the Opposite Party/s : Dr. Indiwari Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

The Petitioners seek quashing of the order of cognizance dated 17.3.2008 passed by the S.D.J.M., Baikramganj, Rohtas in Complaint case No.561 of 2006.

The case of the Complainant is that his wife Malti Devi had sustained burn injury on 9.5.2006 while she was cooking. So she was taken to the clinic of Petitioner No.1 where the Petitioners started treatment. However, her condition deteriorated and later she died. The Petitioners did not give any documents with regard to treatment nor did they return money deposited with them.

It has been submitted on behalf of the Petitioners that even conceding the allegations in the Complaint Petition no criminal

offence is made out.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the nature of allegations, I am inclined to agree with the submissions so raised on behalf of the Petitioners. Hence, the application is allowed and the order of cognizance dated 17.3.2008 passed by the S.D.J.M., Baikramganj, Rohtas in Complaint case No.561 of 2006 is hereby set aside.

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

(Anjana Prakash, J)

Narendra/-

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