

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44432 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Rajesh Ranjan @ Pappu @ Rajesh Kumar S/O Girija Nandan Singh
2. Girija Nandan Singh S/O Late Harilal Singh
Both R/O House No. 150, Hari Apartment, Manas Marg, Nehru Nagar, P.S+P.O-
Patliputra, Distt- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Umesh Kumar S/O Raman Das, R/O Vill- Chechar, P.S- Bidupur, Distt-
Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Narayan, Adv.
Mr. Om Prakash Upadhyay, Adv.
Mr. Manoj Kr.Singh, Adv.
For the State : Mr. Arun Kumr Singh-I, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 31-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of
cognizance dated 7.3.2009 passed by the Judicial Magistrate, 1st
Class, Patna, in Complaint Case No. 2702(c) of 2008.

The case of the Complainant is that he was a contract
labourer and he had executed work in the apartment of the Petitioners,
but, they refused to pay his dues. When he protested, some altercation
took place and he was assaulted and they also committed theft of his
personal possession.

It has been submitted on behalf of the Petitioners that

the Complainant never worked in the construction of the building and in fact, he was a tenant. Further submission is that there was a dispute between the landlord and tenant and the Complainant being a tenant with absurd allegations, filed the present Complaint.

On the other hand, the counsel for the Complainant submits that since the Petitioners had not paid the amount due to him, they should be put on trial.

Having considered that in the facts of the case, no Criminal offence would be made out and rest of the allegations with regard to the theft and assault appear mere embellishments, the application is allowed and the Proceeding including the order of cognizance dated 7.3.2009 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 2702(c) of 2008, is hereby, set aside.

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(Anjana Prakash, J)

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