

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10482 of 2010

Arising Out of PS.Case No. -1668 Year- 2002 Thana -null District- NALANDA (BIHARSHARIFF)

Raja Ram Sahu son of Ram Prasad Sahu, resident of village Mirjapur, P.S.
Kalyanpur, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Vilash Sharma son of Kameshwar Singh, resident of Khetalpur, P.S.
Astawan (Sare), District Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Pawan Kr. Chaurasia, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

No one appears on behalf of the Petitioner or the
Opposite Party No.2.

The Petitioner seeks quashing of the order of cognizance
dated 15.3.2008 passed by the Chief Judicial Magistrate, Nalanda,
Bihar Sharif in G.R. case No.1668 of 2002 (Trial No.134 of 2010).

The case of the Informant is that the Petitioner asked him
to sell his truck to him and negotiated a certain price. The Petitioner
paid Rs.1,60,000/- in instalments and Rs.70,000/- was still due.
However, even while the Petitioner was using the vehicle he did not
pay the balance amount.

It appears that initially a First Information Report was
instituted in this case, in which final report was submitted with a

recommendation that the Informant be proceeded against under the provisions of Sections 182 and 211 I.P.C. It also appears that the Petitioner had filed Money Suit No.5 of 2002 against the Informant and United Insurance company limited, which was decreed in his favour on 23.4.2007. In such circumstances evidently the present case appears false and not fit to proceed.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 15.3.2008 passed by the Chief Judicial Magistrate, Nalanda, Bihar Sharif in G.R. case No.1668 of 2002 (Trial No.134 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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