

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 7901 of 2010

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

- =====
1. Ashok Kumar Sah, Son of late Shyam Sunder Sah. Resident of Village-Chak Hussaini, Police Station-Mansi, District-Khagaria.
 2. Anita Devi, Wife of Pappu Sah.
 3. Dazy Devi, Wife of Babloo Kumar.
 4. Gauri Devi, Wife of Dabloo Kumar, Petitioner Nos. 2 to 4 are resident of Village-Khutia, Police Station-Mansi, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakesh Raushan, Son of Rajendra Prasad Sah. Resident of Village-Khutia, P.S.-Mansi, District-Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 21.11.2009 passed by the Judicial Magistrate, 1st Class, Khagaria in Complaint Case No. 1059-C of 2009.

The case of the Complainant is that he had given an application for mutation which was contested by accused persons in course of the same the accused persons produced certain documents which apparently were forged and, hence, the present Complaint.

From the facts of the Complaint itself, it

appears that the matter was pending adjudication before a Competent Court and, hence, fresh criminal case in this regard should not have been initiated.

In view of such, the entire proceeding as against all the accused persons including the order of cognizance dated 21.11.2009 passed by the Judicial Magistrate, 1st Class, Khagaria in Complaint Case No. 1059-C of 2009 is, hereby, set aside.

Also, in the interest of justice, the further proceeding of Complaint Case No. 1554 of 2009 pending before the Judicial Magistrate, 1st Class, Khagaria shall stand dropped.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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