

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14957 of 2009

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

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Nageshwar Prasad Sharma

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

Mr. Md.Imteyaz Ahmad

Mr. Pawan Kumar-1

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-07-2015

No one appears on behalf of either of the parties.

The petitioner seeks quashing of the order of cognizance dated 07.02.2009 passed by the Judicial Magistrate 1st Class Begusarai in Complaint Case No. 1844C of 2008.

The case of the complainant is that the petitioner has a house in Professors Colony, Begusarai where he was residing. In one of the flats the complainant was also residing. Later on there was an agreement to sell the flat to the complainant for which the complainant paid consideration amount to the petitioner. However, the accused persons later refused to execute the sale deed. On the date of occurrence they all came and looted articles kept in the house and hence the present complaint.

It has been submitted on behalf of the petitioner that it appears

from the petition filed herein that initially a first information report was instituted in regard to the present allegations. After due investigation final report was submitted with recommendation that the complainant was proceeding under Section 182/211 IPC. In order to prevent any action against himself he filed protest petition upon which cognizance has been taken.

Having gone through the records of the case I would be inclined to accept the submissions so raised on behalf of the petitioner. Hence the application is allowed and the order of cognizance dated 07.02.2009 passed by the Judicial Magistrate 1st Class Begusarai in Complaint Case No. 1844C of 2008 is hereby set aside.

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

(Anjana Prakash, J)

Prakash/-

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