

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44405 of 2014

Arising Out of Birpur PS.Case No. -108 Year- 2011 Thana -BIRPUR District- SUPAUL

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Anand Mishra, Son of Mahesh Mishra, Resident of Village - Sunderpur, P.S. - Kotwali, Distt. - Munger, at present residing at RZG Shri Chotu Ram Marg, Rajnagar Palm Colony New Delhi - 45

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari, Daughter of Sri Uday Kumar Mishra, Resident of Mohalla - Birpur Ward No. 1, P.S. - Birpur, Distt. – Munger, at present C/o Bharat Mani Mishra (Ashok Kumar) RZ 1034, Gali No. 5/8, Main Sagarpur, Delhi-110 046

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachindra Kumar Tiwary, Adv.
For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-12-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 28.2.2012 passed by the Sub Divisional Judicial Magistrate, Birpur, Supaul, in connection with Birpur P.S. Case No. 108 of 2011, G.R. No. 336 of 2011.

It has been submitted that the matter has already been compromised, but, despite service of notice which has been received by the mother the Opposite Party No. 2, she has chosen not to appear before this Court.

The learned counsel for Petitioner draws the attention

of the Court to Annexure-5.

Having considered the aforesaid, the application is allowed and the Proceeding including the order dated 28.2.2012 passed by the Sub Divisional Judicial Magistrate, Birpur, Supaul, in connection with Birpur P.S. Case No. 108 of 2011, G.R. No. 336 of 2011, is hereby, set aside.

However, if at any point in time, the Informant disagreed with the aforesaid order, it will be open to her to move this Court.

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(Anjana Prakash, J)

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