

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 41475 of 2012

Arising out of P.S. Case No. -824 Year- 2009 Thana -null
District- PATNA

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Anil Kumar, S/o Late Mathura Prasad Sharma, Resident of Shanti
Bhawan, Ashok Nagar, Road No. 1, P.S.-Kankarbagh, District-Patna.
..... Petitioner/s

Versus

1. The State of Bihar.
2. Annapurna Gupta, Advocate, Resident of Shivam Enclave, West
Boring Canal Road, P.S.-S.K. Puri, District-Patna.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.
For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 14.05.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 824(C) of 2009.

The case of the Complainant is that while she was residing in an apartment the Petitioner installed a tower of mobile phone and damaged the roof due to which she suffered some loss.

It has been submitted on behalf of the Petitioner that the Complainant also approached the Patna Municipal Corporation and on its direction the Petitioner removed the tower concerned. In such circumstances, the Complaint should not proceed.

On the other hand, Counsel for the Complainant submits that since the Petitioner had caused loss to her he should be prosecuted.

Considering that even conceding the allegations thus dispute at best can be sorted out by the Consumer Court and it would not warrant putting the Petitioner on trial, entire proceeding as against all the accused persons including the order of cognizance dated 14.05.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 824(C) of 2009 is, hereby, set aside.

The Application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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