

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40815 of 2012

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Manoj Kumar Ojha, S/O Late Jai Kishore Ojha, Village- Goradih, P.O- Sarkanda, P.S- Pirpaint (Ishipur- Barhat), Distt- Bhagalpur, At Present Chemical Engineer, Hindustan Copper Ltd., Ghatshila, Resident Of Htf-3/2 Mau Bhandar, P.O+ P.S- Ghatshila Distt- East Singhbhum (Jharkhand)

.... Petitioner/s

Versus

1. Ram Naresh Dubey S/O Late Pandit Radha Krishna Dubey R/O Road No. 2, Plot No. 161, Shri Krishna Nagar, P.O- G.P.O, Patna, P.S- Budha Colony, Patna, Distt- Patna.
2. The State Of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manu Shankar Mishra, Adv.
Mr. Suresh Mishra, Adv.
For the State : Mr. Yogendra Kr. Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 11-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 23.3.2006 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 2754(C) of 2005.

The case of the Complainant is that the Petitioner made absurd allegation in the petition filed by him in a matrimonial case.

The submission of the Complainant was that even conceding the allegations since the petition had been filed in a Court and was not publicly displayed, there would be no question of an offence under Section 500 Indian Penal Code being made out.

Considering the aforesaid, the application is allowed and

the Proceeding including the order dated 23.3.2006 passed by the
Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 2754(C)
of 2005 is hereby set aside.

(Anjana Prakash, J)

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