

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40503 of 2012

Arising Out of PS.Case No. -1142 Year- 2011 Thana -null District- VAISHALI(HAJIPUR)

Prashant Kumar Prabhakar son of Shambhu Sharan Pd.

.... Petitioner/s

Versus

1. State of Bihar.
2. Praveen Kumar son of Singeshwar Pd. Singh.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 03.07.2012 passed by the Judicial Magistrate 1st Class, Hajipur at Vaishali in Complaint Case No. 1142 of 2011.

The case of the complainant is that the accused persons had entered into an agreement for selling a certain piece of land but later on they denied and hence the present complaint.

It has been submitted on behalf of the petitioner that initially a first information report was instituted on such allegation but after due investigation final report was submitted then a protest petition was filed upon which the case proceeded. In the meanwhile, a money suit was filed by the complainant in which the petitioner appeared.

On the other hand the complainant submits that since the petitioner cheated him he should be put on trial.

Considering that there is an alternative forum available to the complainant and that continuation of the present complaint would be gross abuse of the process of the Court, the application is allowed without prejudice to the rights of the parties and the order of cognizance dated 03.07.2012 passed by the Judicial Magistrate 1st Class, Hajipur at Vaishali in Complaint Case No. 1142 of 2011 is hereby set aside.

(Anjana Prakash, J)

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