

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48269 of 2012

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

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Hari Sao S/o Late Roop Narayan Sao Resident of Village- Sherpur
Baghi, P.S.- Maner, Dist.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sudeshwar Sao S/o Late Ram Uchit Sao Resident of Village-
Sherpur Baghi, P.S.- Maner, Dist.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M. Kumar, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 19.01.2011 passed by the Judicial Magistrate, 1st Class, Danapur, Patna in Complaint Case No. 1048(C) of 2011.

The case of the Complainant is that even though the Petitioner had accepted certain amount of money for sale of land but he did not execute the sale deed.

It has been submitted on behalf of the Petitioner that in fact the present Complaint is a counter-blast. Earlier a case was instituted by the Petitioner against the Complainant and others for having committed breach of trust. In the facts of the allegations in the Complaint at

best a civil dispute is made out.

Notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the nature of allegations, I am inclined to accept the submission raised on behalf of the Petitioner.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 19.01.2011 passed by the Judicial Magistrate, 1st Class, Danapur, Patna in Complaint Case No. 1048(C) of 2011 is, hereby, set aside.

Also, in the interest of the parties, the further proceeding of Complaint Case No. 960(C) of 2011 pending before the Judicial Magistrate, 1st Class, Danapur, Patna is, hereby, set aside.

The Application stands allowed with the aforesaid observations.

Vikash/-

(Anjana Prakash, J.)

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