

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40259 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- PATNA

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1. Chandrawati Devi, Wife of Late Mahesh Prasad.
 2. Braj Mohan Prasad, S/o Late Mahesh Prasad. Both resident of Quarter No. 32 AB, Hill Colony, P.S. & Distt.-Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Alka Kuamri, Widow of Late Ajay Kumar, Resident of Opposite Govt. Middle School, Saidpur, P.S.-Kadam Kuan, Distt.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Sri S.B. Pandey, Sr. Adv.
Mr. Suresh Chandra Giri, Adv.
Mr. Pravin Kumar Sinha, Adv.
Mr. Nirbhay Prashant, Adv.

For the Opposite Party/s No. 2: None.

For the State : Mr. Choubey Jawahar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of the order of cognizance dated 31.03.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1102(C) of 2007.

The case of the Complainant is that her husband had died while on election duty and she was to receive certain compensation which was deposited in the account of Petitioners. However, they cheated her by

forging her signature and withdrew the entire amount.

It has been submitted on behalf of the Petitioners that it is true that the son of the Petitioners had died while on election duty and they had also been paid Rs. 10,00,000/-. It was agreed between the family that half of money would be deposited pursuant to which the Complainant was paid her due. However, later on she became aggrieved with the amount and, hence, the present Complaint.

Having considered that even if the allegation in the Complaint Petition is true no criminal offence would be made out, the entire proceeding as against all the accused persons including the order of cognizance dated 31.03.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1102(C) of 2007 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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