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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4534 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- KATIHAR

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1. Amrendra Nath Choudhary,
2. Ravindra Nath Choudhary, both S/O Late Baidyanath Choudhary, R/O Village & P.O.- Durgaganj, P.S.- Kadwa, Distt.- Katihar

.... Petitioner/s

Versus

1. The State Of Bihar &
2. Ramautar Sharma, son of late Mithu Lal Sharma, resident of village- Mohmadpur, P.S.-Kadwa, District- Katihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : None.

For the Opposite Party/s : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 04-09-2015

No one appears on behalf of the parties.

The Petitioners seek quashing of the order of non-discharge dated 22.10.2009 passed by the Judicial Magistrate, 1st class, Katihar, in Complaint Case No.2355 of 2003.

The case of the Complainant is that the accused persons were in possession of some land which they agree to sell to the Complainant. However, despite having taken money for the same, they did not execute the sale deed nor did they return the money and hence the present Complaint Petition.

It has been submitted on behalf of the Petitioners that allegations are merely oral in nature without any documentary

support and hence, the proceeding should be set aside. In fact, when a report was called for from the Sub-Inspector of Police, he submitted that the dispute was merely civil in nature which is apparent on the face of the record.

Having considered the aforesaid, the order of non-discharge dated 22.10.2009 passed by the Judicial Magistrate, 1st class, Katihar, in Complaint Case No.2355 of 2003 is hereby **set aside against all the accused persons**.

The application stands **allowed**.

(Anjana Prakash, J)

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