

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17135 of 2011

Arising Out of PS.Case No. -256 Year- 2006 Thana -null District- PATNA

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Ranjana Roy wife of Nagesh Nandan Roy, resident of Sanskrit College Compound,
Kajipur, Road No.4, Police Station Kadamkuan, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Gudiya Khatoon wife of Mohammad Firoj, resident of Dargah, Police
Station Sultanganj, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

The Petitioner seeks quashing of the order of cognizance dated 3.4.2006 passed by the court of Smt. Narmita Chandra, Judicial Magistrate, 1st class, Patna in Complaint case No.256C of 2006.

The case of the Complainant was that the Petitioner had sold a Maruti van to her for a consideration amount. However, the van did not work and hence she returned the same to the Petitioner but she was not refunded the consideration amount.

It has been submitted that there is documentary proof to show that the money was refunded to the Complainant on return of the van.

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

In the nature of dispute, this Court would be inclined to hold that the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the application stands allowed and the proceeding including the order of cognizance dated 3.4.2006 passed by the court of Smt. Narmita Chandra, Judicial Magistrate, 1st class, Patna in Complaint case No.256C of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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