

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16052 of 2012

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Krishneshwarendrasahi @ Batukjee S/O Late Harishwarendra Sahi R/O
Manjhilapatti House, Village + P.O. & P.S. Manjhagarh, Distt. - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Chabila Sah, S/O Sri Thag Sah, R/O Village - Manjhagarhjan Toli, P.S.
Manjhagarh, Distt. - Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Alias Sharma, Adv.

For the State : Mr. Mayanand Jha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 07-01-2015 Heard learned counsel for the Petitioner and the

State.

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 23.8.2011 passed by the Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 3392 of 2010.

The case of the Complainant is that he had given a Cheque to the Petitioner which was encashed on 1.2.2005 in agreement for sale of a certain piece of land but the dispute arose because having received the money, the Petitioner did not execute the sale deed.

It has been submitted on behalf of the Petitioner that fact of the matter is that he had executed a sale deed on 29.3.2010

in favour of the wife of the Complainant and concealing this fact, he has filed the present Complaint in order to harass him.

In view of such submission, the notices had been issued to the Opposite Party no. 2 but despite service of notice, he has chosen not to appear before this Court.

Considering the aforesaid facts and documentary evidence in support of the same, I am of the view that this case has been filed for ulterior purpose and is an abuse of the process of the Court.

Hence, the application is allowed and the entire proceeding including the order of cognizance dated 23.8.2011 passed by the Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 3392 of 2010 is hereby set aside.

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(Anjana Prakash, J)

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