

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36035 of 2011

Arising out of P.S. Case No. -46 Year- 2011 Thana –Patrakar
Nagar District- PATNA

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Anita Devi, W/o Prasidh Ram, Resident of Moh. Bhaskar Enclave
Apartment, Flat No. 201, Dwarikapuri-Hanuman Nagar, Road No. 1,
P.S.-Patrakar Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Radha Devi, W/o Sri Krishna Ram, Mohalla-R.D. Tower, New
Punaichak, P.S. Shastrinagar, Dist.-Patna.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Mani Madhukar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2015

No one appears on behalf of the Opposite Party No. 2.

The Petitioner seeks quashing of the entire proceeding
including the order of cognizance dated 25.07.2011 passed by
the Judicial Magistrate, 1st Class, Patna in Patrakar Nagar P.S.
Case No. 46 of 2011 arising out of Complaint Case No. 3266 of
2010.

The case of the Informant is that the Petitioner who
happens to be her sister was requested to keep an almirah in
her house because of transfer of the Informant's husband.
Subsequently, all the articles from the almirah were stolen.

It has been submitted on behalf of the Petitioner that
the allegations contained in the Complaint itself raises a
reasonable suspicion on its veracity. Further, in the relation-

ship between the parties it appears highly improbable that she would have committed theft of articles as alleged. Fact of the matter is that there was a theft committed in Petitioner's house on account of which she filed a First Information Report which ended in a final report whereafter she once again filed a Protest Petition. In such background, evidently, allegations in the First Information Report being vague and based merely on suspicion is not fit to be relied upon.

Accepting the arguments, the application is allowed and the proceeding as against the Petitioner including the order of cognizance dated 25.07.2011 passed by the Judicial Magistrate, 1st Class, Patna in Patrakar Nagar P.S. Case No. 46 of 2011 arising out of Complaint Case No. 3266 of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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