

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40769 of 2008

Arising Out of Complaint Case No.771(c) Year- 2003 Thana -null District- PATNA

- =====
1. Birendra Kumar Singh, son of late Deo Prasad Singh
 2. Manju Singh, wife of Birendra Kumar Singh
- Both resident of Mithila Colony, P.S. Danapur, Distt. Patna.

.... Petitioner/s

Versus

1. The of Bihar
2. Shambhu Rajak, son of late Bandhu Rajak @ Bandhu Dhobi, resident of village Rupaspur, P.S. Danapur, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amiruddin Ahmad Khan, Adv.
Mr. Raj Dular Sah, Adv.
For the State : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 17.8.2004 passed by the Judicial Magistrate, 1st Class, Danapur, in Complaint Case No. 771(c) of 2003.

The case of the Complainant is that the Petitioners purchased a certain piece of land from the co-accused, even though, it did not stand in their name but in that order name of the Complainant has been mentioned.

The submission of the Petitioners is that they are the purchasers of the property and hence, no offence would be made out against them. Also, they have already filed an application for

relinquishments in regard to the said property and undertake not to contest the pending title suit.

In such circumstances, the application is allowed and the Proceeding including the order of cognizance dated 17.8.2004 passed by the Judicial Magistrate, 1st Class, Danapur, in Complaint Case No. 771(c) of 2003, so far as the Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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