

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44160 of 2012

Arising Out of Complaint Case No. -617 Year- 2011 District- SAMASTIPUR

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1. Ajay Kumar Bhagat @ Ajay Bhagat
 2. Rajesh Kumar Bhagat @ Rajesh Bhagat
- Both sons of Jagdish Bhagar
3. Jagdish Bhagat
 4. Ranjeet Bhagat
- Both S/O Late Prameshwar Bhagat
All R/O Vill-Sheora, P.S.-Patori, Distt-Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ranjeet Kumar Bhagat, S/O Late Nagendra Bhagat, R/O Vill-Sarmastpur, P.S.-Sakra, Distt-Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Adv.
For the State : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 14.3.2012 passed by the Sub Divisional Judicial Magistrate, Samastipur, in connection with Complaint Case No. 617 of 2011.

The case of the Complainant is that he was married to the sisters of the Petitioners No. 1 and 2 and daughter and niece of Petitioners No. 3 and 4. On the date of occurrence, the accused persons came to his house and later he found that his articles were missing. When he demanded an explanation, he was assaulted.

It has been submitted on behalf of the Petitioners that fact of the matter is that the wife of the Complainant had been taken to Delhi from where she became traceless. Then the Complainant filed a missing report about her in Delhi. When the Petitioners came to know of it, they started the search the wife of the Opposite Party No. 2 and when she was not found, they instituted a case against him being Complaint Case No. 1053 of 2011. It is in this background that the present Complaint was instituted by the Complainant on trumped up charges.

Having considered the background facts, I would be inclined to hold that the present Complaint is malicious in nature and deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 14.3.2012 passed by the Sub Divisional Judicial Magistrate, Samastipur, in connection with Complainant Case No. 617 of 2011 is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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