

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43889 of 2012

Arising Out of PS.Case No. -559 Year- 2011 Thana -null District- MADHEPURA

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1. Vijay Kumar Thakur S/O Prem Kumar Thakur
2. Prem Kumar Thakur S/O Durga Lal Thakur, both Resident Of Mohalla- Bari Bazar (Rautpatti), Police Station & District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. Durga Lal Thakur, Resident Of Mohalla- Bari Bazar (Rautpatti), Police Station & District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Smt. S. Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioners seek quashing of the order of cognizance dated 16.7.2012 passed by the Judicial Magistrate, 1st class, Madhubani in Complaint case No.559 of 2011 corresponding to Trial No.2920 of 2012.

The case of the Complainant is that he used to protest against the activities of the accused persons and he had filed an application of such nature before the S.D.M, Madhubani. However, the accused persons on the date of occurrence threatened him of dire consequences if he did not withdraw the application and also committed theft of his personal property.

The submission of the Petitioners is that all allegations

are oral in nature. In such circumstances it would be unjustified to put the Petitioners on trial. Moreover the Petitioners have not in any manner forged signatures.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf despite service of notice.

Having considered the nature of allegations in the Complaint Petition, I would be of the opinion that the continuance of the present proceeding is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the application is allowed and the order of cognizance dated 16.7.2012 passed by the Judicial Magistrate, 1st class, Madhubani in Complaint case No.559 of 2011 corresponding to Trial No.2920 of 2012 is hereby set aside.

However, this order shall not give undue advantage to any party.

(Anjana Prakash, J)

Narendra/-

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