

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9405 of 2009

Arising Out of Complaint Case No.C699 Year- 2006 Thana -null District- KISANGANJ

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1. Md. Kalimuddin, son of late Lal Mohammad
 2. Munna, son of late Lal Mohammad
 3. Md. Murtuja @ Murtuja, son of late Azimuddin
 4. Md. Nazir @ Nazir, son of late Azimuddin
- All resident of Mohalla Machmara, P.S. Kishanganj, Distt. Kishanganj.
5. Rajesh Kumar Roy, son of Shyam Sundar Roy
 6. Dilip Kumar Dev @ Dilip Dev, son of Ram Narayan Dev
 7. Damphu @ Dampu, son of Bhodo Mian
- All resident of Mohalla Khagra, P.S. Kishanganj, Distt. Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Yadav, son of Bhrigunath Yadav, resident of Mohalla Machmara, P.S. Kishanganj, Distt. Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radhan Mohan Singh, Adv.
For the State : Mr. S.S. Sabbar Husnain, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

Heard learned counsel for the Petitioner and the State. No one appears on behalf of the Opposite Party No. 2.

The Petitioners seek quashing of the order of cognizance dated 6.1.2009 passed by the Sub Divisional Judicial Magistrate, Kishanganj, in Complaint Case No. C611 of 2006 under Sections 147, 323, 427, 452 and 380 Indian Penal Code.

The case of the Complainant is that on the date of occurrence, the accused persons came to his house variously armed and started to threaten him as also assaulted him and committed theft

of his personal property.

It has been submitted on behalf of the Petitioners that fact of the matter is that the present Complaint has been instituted as a counter blast to the cases filed by Petitioner No. 5 against the Complainant and his other associates vide Kishanganj P.S. Case No. 20 of 2006, and Complaint Case No. C695 of 2006.

Having gone through the minor nature of the cases instituted on behalf of either Parties, I would be inclined to hold that they are so frivolous, they deserve to be set aside.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 6.1.2009 passed by the Sub Divisional Judicial Magistrate, Kishanganj, in Complaint Case No. C611 of 2006 under Sections 147, 323, 427, 452 and 380 Indian Penal Code, is hereby set aside. In addition, further Proceedings of Complaint Case No. C 695 of 2006 pending before the Chief Judicial Magistrate, Kishanganj, is also hereby set aside.

The application stands allowed with aforesaid observation.

(Anjana Prakash, J)

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