

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45133 of 2012

Arising Out of PS.Case No. -229 Year- 2011 Thana -null District- NALANDA (BIHARSHARIFF)

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1. Krishna Mohan Prasad son of late Jagarnath Prasad
 2. Neelam Prasad wife of Sri Krishna Mohan Prasad, both residents of Mohalla Pachrukhiya, Chhabilapur road, Bus stand, Police Station Rajgir in the district of Nalanda
 3. Priti Mangala @ Mangalam Devi wife of Sri Rajiv Ranjan, Apartment No.204, Purva Fair Mont. 24 lane, 25th Cross, SHR Lay Out, Sector-II, Bengalore-500120 (Karnatka)
 4. Bijya Lakshmi wife of Sri Nitin Navin, 3/C Bairva Sadan, 1st floor, DLF Phase III, near Neelkanth Hospital, Gurgaon 12202 (Haryana)

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Shrivastava, wife of Pankaj Kumar Shrivastava, resident of Pachrukhiya Kuan, Police Station Rajgir in the district of Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Nirmal Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

A Supplementary Affidavit has been filed on behalf of the Petitioners in terms of the order dated 3.7.2015 stating therein that the Counsel for the Opposite Party No.2 in the court below refused to receive the notice on the ground that he had no contact with his client. Let it be kept on the record.

The Petitioners seek quashing of the order of cognizance dated 25.8.2012 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. case No.229 of 2011.

The case of the Informant is that on the date of occurrence the accused persons started to intimidate her for having

switched off a motor pump and when she objected, she was assaulted by them and also abused.

The submission of the Petitioners is that initially Rajgir P.S. case No.229 of 2011 was instituted on such allegations which ended in a final report. The fact of the matter is that there was landlord tenant relationship between the parties and the Petitioners had taken action to evict the Informant, for which reason the present First Information Report was instituted in order to create a pressure upon them into not taking coercive action against her.

Several attempts were made to reach the Informant but to no avail.

Having considered the nature of allegations, I would be inclined to hold that not only are the allegations are superficial and absurd but also appear to have been filed only for the reason of dispute over tenancy.

Hence, the application is allowed and the proceeding including the order of cognizance dated 25.8.2012 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. case No.229 of 2011 without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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