

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13138 of 2013

Arising Out of COMPLAINT Case No. -1603 Year- 1999 THANA-PATNA District- -PATNA

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Pramod Kumar Nirala son of Asharfi Lal resident of Mohalla Kamla Nehru Nagar,
P.S. Kotwali, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Dr. Jai Shankar Prasad Jha S/O Ugra Narayan Jha, resident of F- 123. P.C.
Colony, Kankarbagh

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. K. N. Diwakar, Advocate
For the Opposite Party/s : A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

The Petitioner seeks quashing of the order of cognizance dated 12.01.2001 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1603 of 1999.

The case of the complainant is that on the date of occurrence the accused persons on the point of pistol and dagger coerced the complainant to put signature on plain paper, subsequently assaulted him and snatched his motorcycle.

It has been submitted on behalf of the petitioner that fact of the matter is that the parties had entered into a contract for sale of the motorcycle of the complainant for which he had received certain amount but only gave the key of the motorcycle and not original

papers to the petitioner. So the petitioner finding no solution approached the Court and filed Complaint Case No. 1415 of 1999 on 28.09.1999 upon which Kotwali P.S. Case No. 419 of 1999 was instituted.

No one appears on behalf of the opposite party no. 2 to dispute the stand of the Petitioner.

Considering the above facts, in my opinion, the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the application is allowed and the proceeding including the order of cognizance dated 12.01.2001 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1603 of 1999 is hereby set aside.

(Anjana Prakash, J)

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