

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31454 of 2009

Arising Out of Complaint Case No.970(C) Year 2006 District- PATNA

=====

1. Ram Swaroop Shrivastava @ Kannu, son of late Nawal Kishore Prasad
2. Sheela Shrivastava, wife of Ram Swaroop Shrivastava

All are residents of Mohalla Rasulpur, Jilani, P.S. Kazi Mohammadpur, Town and Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupesh Kumar Verma, son of late Dinesh Chandra Verma, House of late Meena Verma (Complainant), resident of Mohalla Nariyalghat, Takiapar, P.S. Danapur, Distt. Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the State : Mr. R.B. Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 26.3.2007 by which the Judicial Magistrate, 1st Class, Danapur, in Complaint Case No.970(C) of 2006,

The case of the Complainant is that the Petitioners had taken loan from the husband of the Complainant and assured them that they would execute a sale deed in lieu of the same but they retracted from the same, hence, the present Complaint.

The submission of the Petitioners is that initially a First

Information Report was instituted on such allegations but the same on proper investigation was found to be false. Subsequently, a protest-cum-Complaint petition was filed, upon which, cognizance was taken.

Considering that an independent Agency looked into the rival claims of the Parties and found the claim of the Complainant false, I am inclined to allow the application.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 26.3.2007 passed by the Judicial Magistrate, 1st Class, Danapur, in Complaint Case No.970(C) of 2006, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--