

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 31134 of 2012

Arising out of P.S. Case No. -0 Year- null Thana -null
District- MADHUBANI

- =====
1. Ramesh Yadav S/o Late Naubat Yadav Resident of Village-
Bhagipur, P.S- Alamnagar, District- Madhepura.
 2. Umesh Yadav S/o Late Awadhlal Yadav Resident of Village-
Bhagipur, P.S- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kameshwar Ram S/o Late Sidhi Ram Resident of Village-
Bhagipur, P.S- Alamnagar, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Satendra Pd. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

The Petitioners seek quashing of the order dated 27.04.2012 passed by the District & Sessions Judge, Madhepura in Cr. Rev. No. 46 of 2011 by which it has confirmed the order dated 05.08.2011 passed by the Judicial Magistrate, 1st Class, Madhepura in Complaint Case No. 1382 of 2009 by which it has taken cognizance in the matter.

The case of the Complainant is that on the date of occurrence a dispute arose between them whereafter the accused persons abused and assaulted her.

It has been submitted on behalf of the Petitioners that the allegations being petty in nature the

Complaint having been instituted in the year 2009 in which cognizance was taken two years later on 05.08.2011 deserves to be set aside.

Considering the nature of allegations, in the interest of the parties, the entire proceeding as against the Petitioners including the order dated 27.04.2012 passed by the District & Sessions Judge, Madhepura in Cr. Rev. No. 46 of 2011 by which it has confirmed the order dated 05.08.2011 passed by the Judicial Magistrate, 1st Class, Madhepura in Complaint Case No. 1382 of 2009 is, hereby, set aside.

The Application stands allowed.

However, this order shall not prejudice any party in any manner.

Vikash/-

(Anjana Prakash, J.)

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