

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 49715 of 2008

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

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1. Md. Dukhan, Son of Md. Mohammadin.
 2. Mohammadin, Son of Md. Mahrum Sher Khan.
 3. Salauddin, Son of Md. Allaudin.
 4. Bullet, Son of Md. Allaudin.
 5. Md. Rafik, Son of Md. Abid Hussain.
 6. Md. Kallu, Son of Md. Abid Hussain.
 7. Md. Allaudin, Son of Mahrum Sher Khan.
 8. Md. Abid Hussain, Son of Mahrum Gulam Hussain. All resident of Village-Naubatpur Lock, P.O. Amarpura, P.S.-Naubatpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharul Khatun, W/o Md. Muslim, Resident of Village-Lakmania, P.S.-Baru Raj, Dist.-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 21.08.2008 passed by the Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. C-61 of 2008.

The case of the Complainant is that the accused persons entered into his house, assaulted him and thereafter committed theft of his personal property.

It has been submitted that fact of the matter is that the daughter of the Petitioner No. 1 was married to

the son of the Complainant but she was tortured on account of which she filed Complaint Case No. 613C of 2004. Having come to know the fact of the said Complaint he filed this Complaint. Also for the same reason he had earlier filed Complaint Case No. 203C of 2004 which had been dismissed.

Notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the relation-ship between the parties and the earlier litigation, the entire proceeding as against all the accused persons including the entire proceeding including the order of cognizance dated 21.08.2008 passed by the Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. C-61 of 2008 is, hereby, set aside.

The Application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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