

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31290 of 2012

Arising Out of PS.Case No.10150 Year- 2010 Thana -null District- AURANGABAD

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1. Mahadeo Mistri
2. Madan Mistri @ Madanjeet Sharma
3. Budhu Mistri all are sons of Late Ramchandra Mistri
4. Barjesh Kumar
5. Amit Kumar
6. Chotan Kumar @ Ray Bahadur
7. Papu Kumar all are sons of Madan Mistri @ Madanjeet Sharma
8. Bindu Devi W/O Madan Mistri, Resident Of Village- Chorkupa, P.O.- Gordiha,
P.S.- Rafiganj And Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Lakshmi Devi W/O Rataram Mahto Resident Of Chorkupa, P.O.- Gordiha, P.S.-
Rafiganj And Distt.- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the State : Mr. R.N. Jha, APP
For Opposite Party No.2 : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

The Petitioners seek quashing of the order of cognizance dated 30.1.2012 passed by the Judicial Magistrate, 1st class, Aurangabad in Complaint case No.1015 of 2010 (Trial No.1454 of 2011).

The case of the Complainant is that while she was sitting in her house along with her children, the accused persons started to abuse her and opened a drain in the field and assaulted them with lathi and committed theft of personal property.

It has been submitted on behalf of the Petitioners that in fact there was some kind of dispute over drainage, which has led to series of proceedings between the parties including one under Section 107 Cr.P.C. In this background the Petitioners submit that the present complaint is a tool of harassment.

On the other hand, the Counsel for the Complainant submits that the Petitioners are used to acting in a highhanded manner and, therefore, they should be put on trial.

However, the Petitioners undertake that they will not in any manner harass the Complainant or her family members and it is on this undertaking in order to keep peace in the locality, further proceeding including the order of cognizance dated 30.1.2012 passed by the Judicial Magistrate, 1st class, Aurangabad in Complaint case No.1015 of 2010 (Trial No.1454 of 2011) is hereby set aside.

Application stands allowed with the aforesaid observations.

It is expected that both the parties will restrain themselves.

(Anjana Prakash, J)

Narendra/-

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