

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15350 of 2012

Arising Out of PS.Case No. -112 Year- 2011 Thana -Obera District- AURANGABAD

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1. Shriniwas Singh S/O Late Sahdeo Singh
 2. Alankari Devi W/O Shriniwas Singh
 3. Girjesh Kumar S/O Shriniwas Singh, all Resident Of Village- Kaithi, P.S.- Obera, Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bipin Kumar son of Ram Sudhar Singh, resident of vill. Kaithi, P.S. Obera, Distt. Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K. Pd. Singh, Advocate
For the Opposite Party/s : Mr. J.K. Roy-I, APP
For Opposite Party No.2 : Mr. L. K. Sharma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

The Petitioners seek quashing of the order of cognizance dated 9.2.2012 passed by the Sub Divisional Judicial Magistrate, Daudnagar, District Aurangabad in Obera P.S. case No.112 of 2011 corresponding to G.R. No.469 of 2011.

The case of the Informant is that the Petitioners had purchased a tractor in the year 2008, for which he had taken loan from the Complainant of Rs.1 lac. However, he refused to return the same. So the Complainant went to enquire, at which he was beaten up, then present Complaint was filed.

It has been submitted on behalf of the Petitioners that

during investigation several witnesses were examined, who did not support the case of the Informant and hence final report was submitted in the matter.

Notices had been issued to the Opposite Party No.2, who has appeared and submits that the Petitioner No.1 had also filed a case bearing Obra P.S. case No.98 of 2011 for minor offences 7-8 days earlier.

Now the parties are agreed that it would be in their interest that the prosecution of both the cases be set aside.

Considering such understanding, the application is allowed and the proceeding including the order of cognizance dated 9.2.2012 passed by the Sub Divisional Judicial Magistrate, Daudnagar, District Aurangabad in Obra P.S. case No.112 of 2011 corresponding to G.R. No.469 of 2011 are hereby set aside. Also proceedings of Obra P.S. case No.98 of 2011 pending before the S.D.J.M., Daudnagar, Aurangabad are set aside.

(Anjana Prakash, J)

Narendra/-

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