

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50566 of 2013

Arising out of PS.Case No.208 Year- 2011 Thana -BUXAR MUFFSIL District- BUXAR

Hem Prakash @ Deepu Jee, S/O Harishankar Prasad, resident of village- Sri Vishwanath Jee Mills Atari Road, Buxar, P.S.- Buxar (M), District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar @ Raju S/O Harishankar Prasad Resident Of Village- Sri Vishwanath Jee Mills Atari Road, Buxar, P.S.- Buxar (M), District- Buxar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Adv.
For the State : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 28.1.2013 passed by the Judicial Magistrate, 1st Class, Buxar, in Buxar (M) P.S. Case No. 208 of 2011.

The case of the Informant is that the Petitioner who was one of the Partners of a firm which was jointly managed file, had committed defalcations and, hence, the present case.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

It has been submitted that the Petitioner and the Informant are full brothers and actually the dispute is over the joint

family property for which a Title Suit bearing No. T.S. 90 of 2007 had been filed which ended in a compromise on 18.1.2012. Later a compromise petition was filed even in the instant case but the Court did not pass any positive orders.

The further submission is that the Opposite Party No. 2 sold all his property and migrated somewhere else and, therefore, they cannot be traced.

Be that as it may, considering the documents showing that there has been a compromise in the family disputes, the application is allowed and the Proceeding including the order of cognizance dated 28.1.2013 passed by the Judicial Magistrate, 1st Class, Buxar, in Buxar (M) P.S. Case No. 208 of 2011, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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