

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37785 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

- =====
1. Girija Singh son of late Badri Narayan Singh
 2. Rajesh Kumar Singh son of Girija Singh, both resident of village + post Opa, P.S. Aungari (Ekangar Sarai), District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Shivraj Singh @ Munna Singh, son of late Mathura Singh, village + post Opa, P.S. Aungari (Ekangar Sarai), District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioners seek quashing of the order of cognizance dated 19.5.2010 passed by the court of Sri Rajesh Pandey, J.M., 1st class, Hilsa (Nalanda) in Case No.904C of 2009.

The case of the Complainant is that when he proceeded to the Electricity Office, the accused persons waylaid him and took away his money, for which he filed this present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that a First Information Report was instituted against the Complainant on 26.10.2009 by the Petitioner No.1 vide Annexure 4 and in retaliation the present Complaint has been filed.

Considering the petty nature of the offence, the application

is allowed and the proceeding against all the accused persons including the order of cognizance dated 19.5.2010 passed by the court of Sri Rajesh Pandey, J.M., 1st class, Hilsa (Nalanda) in Case No.904C of 2009 is hereby set aside. Also the proceeding of Aungari P.S. case No.43 of 2009 pending in the court of A.C.J.M., Hilsa, Nalanda is hereby set aside against all the accused persons.

(Anjana Prakash, J)

Narendra/-

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