

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46570 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Pradeep Chandra Saraf, son of late Ram Chandra Saraf,
2. Sandeep Saraf, son of Pradeep Chandra Saraf
Both R/O Mohalla-Govind Mitra Road, Saraf Bhawan, P.S.-Pirbahore, Distt-Patna-
800004

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kakshmi Kant Sharma, Adv.
For the State : Mr. Parmanand Pd., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of
cognizance dated 27.8.2013 passed by the Judicial Magistrate, 1st
Class, Patna, in Pirbahore P.S. Case No. 241 of 2013.

The case of the Informant is that he has taken a shop on
rent from the Petitioners who were the landlords situated at Govind
Mitra Road, Patna.

It has been submitted on behalf of the Petitionrs that in
fact, a dispute between the landlord and tenant has been converted to a
Criminal Proceeding even though, it was the Informant himself who
was a defaulter.

The case diary has been looked into by the A.P.P. who submits that there is material to suggest that the Informant was the defaulter.

Having considered the aforesaid, the application is allowed and the order of cognizance dated 27.8.2013 passed by the Judicial Magistrate, 1st Class, Patna, in Pirbahore P.S. Case No. 241 of 2013, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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