

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26790 of 2010

Arising out of P.S. Case No. -942C Year- 2010 Thana –
Complaint Case District- PATNA

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1. Arpan Kishore, W/o Dr. Shashi Shekhar Kishore, Resident of Flat No. 305, Araish Apptt. P.S.-Ghandhi Maidan, Dist.-Patna.
 2. Dr. Shashi Shekhar Kishore @ Shashi S. Kishore, S/o Sri Nand Kishore Saha, Resident of Flat No. 305, Araish Apptt. P.S.-Ghandhi Maidan, Dist.-Patna.
 3. Nilam Gupta, W/o Sri Sivendra Sah, Resident of Village-Kamalpur, P.S.-Kunauli Bazar, Distt.-Supaul.
 4. Saroj Singh, W/o Vinay Kumar Singh, Resident of Kalamanch Bakarganj, P.S.-Gandhi Maidan, Distt.-Patna.
 5. Vinay Kumar Singh, S/o Sri Shidhnath Singh, Resident of Kalamanch Bakarganj, P.S.-Gandhi Maidan, Distt.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prakash Ranjan, S/o Shri Shatrughna Prasad Singh, Resident of New Rampur, Mahendru, Bahadurpur, P.S.-Sultanganj, District-Patna.
3. Sri Baban Sharma, S/o late Nityanand Sharma, Resident of Govindpur, P.S.-Shahpur, Dist.-Patna, presently resident in Birla Colony, P.S.-Phulwari Sharif, Dist.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-01-2016

No one appears on behalf of the Complainant.

The Petitioners seek quashing of the order of cognizance dated 24.04.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 942C of 2010.

The case of the Complainant is that on the date of occurrence the accused came variously armed and started to assault and abuse them and also snatched his I-card and his

mobile phone as also chain of his wife.

It has been submitted on behalf of the Petitioners that the Petitioner No. 1 had purchased a certain piece of land and thereafter a dispute arose between the Petitioner and the Complainant which has led to institution of the present case. In fact, it is the Complainant who had acted in a high-handed manner of which a First Information Report numbered as Phulwarisharif P.S. Case No. 192 of 2010 (Annexure-4) was instituted. It is subsequently that the present Complaint was filed with trumped up charges.

Having considered the frivolous nature of allegations in both the cases it would be desirable that the entire proceeding against all the accused persons including the order of cognizance dated 24.04.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 942C of 2010 be hereby set aside as also in the interest of the parties, the further proceeding of Phulwarisharif P.S. Case No. 192 of 2010 pending before the Judicial Magistrate, 1st Class, Patna shall stand dropped.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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