

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28664 of 2012

Arising out of P.S. Case No. -334 Year- 2010 Thana -
Andhratharhi District- MADHEPURA

=====

Umesh Prasad Mehata S/o Late Badri Prasad Mehta Residence of
Village Andhratharhi Tola Polar, P.S. Andharatharhi, District
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Pawan Kumar Mehta S/o Shushil Kumar Mehta Residence of
Village Andhratharhi Tola Polar, P.S. Andharatharhi, District
Madhubani.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-01-2016

The Petitioner seeks quashing of the order of
cognizance dated 29.02.2012 passed by the Judicial
Magistrate, Jhanjharpur, Madhubani in Andhratharhi P.S.
Case No. 06 of 2008 (C.R. No. 334 of 2010, Tr. No. 1728 of
2012).

The case of the Informant/Complainant is that the
Petitioner single handedly cut away crops of about four
quintals and stole the same.

It has been submitted that after due investigation
final report was submitted and it appears that the case was
instituted for reasons of land dispute on account of which a
Bataidari Case No. 71 of 80/81 is pending before the SDO
Jhanjharpur.

On the other hand, Counsel for the Complainant submits that since the Petitioner committed theft of crops he should be put on trial.

Having considered the background facts, I would be inclined to hold that the protest-cum-complaint case is nothing but an abuse of the process of the Court deserves to be set aside.

Hence, the entire proceeding including the order of cognizance dated 29.02.2012 passed by the Judicial Magistrate, Jhanjharpur, Madhubani in Andhratharhi P.S. Case No. 06 of 2008 (C.R. No. 334 of 2010, Tr. No. 1728 of 2012) is, hereby, set aside without prejudice to the right of the parties.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--