

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42010 of 2012

Arising out of P.S. Case No. -191 Year- 2011 Thana –Budha
Colony District- PATNA

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Alok Kumar Singh @ Alok Kumar S/o Late Vijay Kumar Permeshwar
R/o Mohalla - 60/Ac/391 Pandui Kothi, Shubhjeet Path Boring
Road, P.S. Buddha Colony, Distt. – Patna. Petitioner/s
Versus

1. The State of Bihar.
 2. Prabhat Kumar, S/o Late Suryadeo Singh, Sudha Sadan, Gandhi
Murti ke Paschim, Dujara, P.S.-Budha Colony, Patna, Town and
Distt.-Patna. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-01-2016

The Petitioner seeks quashing of the order of
cognizance dated 27.07.2012 passed by the Chief Judicial
Magistrate, Patna in Budha Colony P.S. Case No. 191 of 2011
(G.R. No. 5947 of 2011).

The case of the Informant is that the Petitioner used
to execute construction at his institution and had failed to give
him account of a certain amount of money.

It has been submitted that even accepting the
allegations in the First Information Report no criminal offence
would be made out and at best it is a question of reconciliation
of accounts.

On the last occasion, notices had been issued to the
Opposite Party No. 2 but he has chosen not to appear before
this Court.

Having considered the facts of case, the entire

proceeding as against the Petitioner including the order of cognizance dated 27.07.2012 passed by the Chief Judicial Magistrate, Patna in Budha Colony P.S. Case No. 191 of 2011 (G.R. No. 5947 of 2011) is, hereby, set aside without prejudice to the right of the parties.

The Application stands allowed.

(Anjana Prakash, J.)

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