

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24646 of 2010

Arising Out of Complaint Case No. 161C Year 2009 District- SAHARSA

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1. Madan Das, S/O Late Bahua Das
2. Sita Ram Das, S/O Late Bahua Das
Both resident of village- Bariyahi Dasti, P.S- Bangaon, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kari Das, S/O Late Mohan Das, resident of village- Bariyahi Basti, P.S-
Bangaon, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Adv.

For the Opposite Party No. 2 : Mr. Jitendra Kr. Pandey, Adv.
Mr. Bidhan Chandra Jha, Adv.
Ms. Kiran Kumari, Adv.

For the State : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-01-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 19.11.2009 passed by the Judicial Magistrate, Saharsa, in Complaint Case No. 161C of 2009.

The case of the Complainant is that the accused persons by committing fraud upon some documents had created forged Basgit Purcha in favour of their mother.

It has been submitted on behalf of the Petitioners that initially Bangaon P.S. Case No. 41 of 2006 was instituted on this Complaint which on investigation ended in a Final Report and,

thereafter, the case proceeded on protest-cum-Complaint petition.

Having considered that an independent agency looked into the matter and opined that no offence whatsoever is made out, I would think it wise not to allow this prosecution of one sided version.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 19.11.2009 passed by the Judicial Magistrate, Saharsa, in Complaint Case No. 161C of 2009, is hereby, set aside.

(Anjana Prakash, J)

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