

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21939 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Smt. Bibha Singh W/O Shri Shambhu Sharan Singh
2. Miss Raj Sarawati @ Pucchu Maina
3. Miss Raj Priya @ Gudia
4. Abhimanyu Kumar Singh @! Abhimanyu Raj
5. Raja Kumar Singh @ Abhishek Raj
6. Shambhu Sharan Singh S/O Late Aniruddha Pd. Singh, the petitioners no.2 to 5 are daughters/sons of Sri Shambhu Sharan Singh and they are all at present residing at Rocky House (Opp. Shiv Mandir), Road No. 14 of Rajiv Nagar, Patna-800 024.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nand Kumari Devi w/o Narendra Sharma, resident of Mohalla Rajiv Nagar, Road No.24, Police Station Rajiv Nagar, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. C. Sen Pd. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2016

The Petitioners seek quashing of the order of cognizance dated 22.10.2009 passed by the Chief Judicial Magistrate, Patna in Rajiv Nagar P.S. case No.104 of 2009.

The case of the Informant Nand Kumari Devi is that on the date of occurrence the accused persons entered into her house and assaulted her as also committed theft of personal property.

The submission of the Petitioners is that for the same cause of action the Petitioner No.1 had instituted a case against the husband of the Informant and the Informant herself vide Rajeev Nagar

P.S. case No.103 of 2009 and the present case is a counter blast.

Having gone through the records of the case, I am inclined to hold that the prosecutions of both the cases deserve to be set aside since essentially it is a topical dispute between the landlord and the tenant which had arisen at a certain point in time which may no longer subsist. In their interest the proceeding of Rajiv Nagar P.S. case No.104 of 2009 including the order of cognizance dated 22.10.2009 passed by the Chief Judicial Magistrate, Patna in Rajiv Nagar P.S. case No.104 of 2009 and the proceeding of Rajiv Nagar P.S. case No.103 of 2009 pending before the court of the Judicial Magistrate, 1st class, Patna is hereby set aside.

The application stands disposed of with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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