

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 31696 of 2010

Arising out of P.S. Case No. -1246 Year- 2008 Thana –
Complaint Case District- KISANGANJ

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1. Matloob, Son of Late Basirruddin.
 2. Md. Shakir, Son of Late Mojibur Rahman.
 3. Md. Hashim, Son of Mojibur Rahman.
 4. Aslam Master, Son of Late Masiruddin.
 5. Yashin, Son of Samtullah.
 6. Hasib, Son of Late Mojibur Rahman. All resident of Village-
Majgama, P.S.-Kochadhaman, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashabbuddin, S/o Late Doman Ali, R/o Majgama, P.S.-
Kochadhaman, District-Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2016

The Petitioners seek quashing of the order of cognizance dated 19.09.2009 passed by the Sub-divisional Judicial Magistrate, Kishanganj in Complaint Case No. 1246 of 2008.

The case of the Complainant is that his son, Md. Ansar Alam was forcibly taken away by the accused persons on 05.03.2006 and his thumb impression was taken on certain papers to show that he and Sanjida Begum had been married. He then approached the Panchayat but the accused persons did not appear so he instituted a First Information Report. When the investigation started the Police made an

inquiry from independent persons and it was found that the allegations were false so it submitted final report which was accepted by the Court. Thereafter, the Complainant filed a protest petition which was treated as a Complaint.

Having considered that the allegations are unilateral and an independent agency on full inquiry found the allegations to be false, the entire proceeding against all the accused persons including the order of cognizance dated 19.09.2009 passed by the Sub-divisional Judicial Magistrate, Kishanganj in Complaint Case No. 1246 of 2008 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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