

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32880 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

Nasimul Haque, son of late Murtaza Hussain, at present posted as Block Supply Officer, Noorsarai, Police station-Noorsarai, District- Nalanda at Biharsharif. Permanent address- N.J. House, Ashiyana Road, P.O. B.V. College, Police Station, Shastringar, District – Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Ajit Kumar Son of Dina Nath Ram, Resident of Village +P.S. Deep Nagar, District - Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. M.D. Rahmatullah

For the Opposite Party/s : Mr. Arbind Kumar Singh & Rabindra Kumar Tiwary

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-02-2016

Petitioner seeks quashing of the order of cognizance dated 23.07.2010 passed by the Judicial Magistrate 1st Class, Biharsharif, Nalanda in Complaint case no. 1283 (c) of 2009.

The case of the complainant is that he has been running a Kirana shop at Deep Nagar and while he was going to buy articles for his shop, the accused persons intercepted and abused him and also has committed theft of his personal property.

It has been submitted on behalf of the petitioner that fact of the matter is that action was taken against the complainant which is evident from Annexure 2 and Annexure 3 and in retaliation, the

present case has been instituted by him so as to harass the authorities.

I have considered the factual aspects of the matter, the application is allowed and the entire proceedings including the order of cognizance dated 23.07.2010 passed by the Judicial Magistrate 1st Class, Bihar Sharif, Nalanda in Complaint case no. 1283 (c) of 2009, is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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