

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10171 of 2011

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

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1. Satyadeo Choudhary son of late Manikchand Choudhary
 2. Savitri Devi @ Savitri Kumari Devi wife of Satyadeo Choudhary, both residents of Hasanpur, Raniganj, P.S. Raniganj, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rana Pratap Singh son of Prayag Narain Singh, Member Secretary, Paikpur Primary Agricultural Co-operative Society, P.S. Bhargama, District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate

For the Opposite Party/s : Mr. P.K. Chourasiya, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-05-2016

The Petitioners seek quashing of the order of cognizance dated 13.10.2010 passed by the Judicial Magistrate, 1st class, Araria in Complaint case no.C-2068 of 2006.

The case of the Complainant is that the Petitioner No.1 had given paddy for processing at a certain rate. He was paid the said rate but did not give him a receipt. So he asked him to return the advanced amount but he did not do so and instead assaulted him. He then instituted Raniganj P.S. case No.144 of 2004 but final report was submitted and hence he filed a protest petition, upon which the prosecution continued.

The submission of the Petitioners is that when an independent agency looked into the allegations and found the same to

be false, the present Complaint on unilateral and uncorroborated allegations should not continue.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the nature of allegations as also the fact that final report was submitted in the matter, the application is allowed and the proceeding including the order of cognizance dated 13.10.2010 passed by the Judicial Magistrate, 1st class, Araria in Complaint case no.C-2068 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
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