

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38448 of 2010

Arising out of P.S. Case No. -88(C) Year- 2009 Thana –
Complaint Case District- SEKHPURA

- =====
1. Shyamnandan Prasad S/o Late Sukhu Sao Resident of Jai Ram Bazar, P.S.- Khagaul, District- Patna.
2. Sri Kant S/o Shyamnandan Prasad Resident of Jai Ram Bazar, P.S.- Khagaul, District- Patna. Petitioner/s
- Versus

1. The State of Bihar.
2. Ganesh Chaudhary S/o Mahendra Chaudhary Village- Faizabad, P.S.- Barbigha, District- Shekhpura.. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Adv.
For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

The Petitioners seek quashing of the order of cognizance dated 03.10.2009 passed by the Sub-divisional Judicial Magistrate, Shekhpura in Complaint Case No. 88(C) of 2009.

The case of the Complainant is that when he was returning after treatment of his son the accused persons on trivial issue started abusing him.

It has been submitted on behalf of the Petitioners that fact of the matter is that the daughter of the Petitioner No. 1 had instituted a complaint case bearing Complaint Case No. 767(C) of 2004 against the in-laws who happened to be the co-villager of the Complainant. The present Complaint with such absurd allegation has been filed at their behest to

avenge such step and hence is fit to be set aside.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice none appears on his behalf.

Having considered the absurd nature of allegations, the entire proceeding as against all the accused persons including the order of cognizance dated 03.10.2009 passed by the Sub-divisional Judicial Magistrate, Sekhpura in Complaint Case No. 88(C) of 2009 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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