

IN THE HIGH COURT OF JUDICATURE AT PATNA

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Criminal Miscellaneous No.17213 of 2013

Arising Out of PS.Case No. -852 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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- 1.Sukhdeo Choudhary son of late Kameshwar Choudhary, resident of Mohalla Shaileshpuri, P.O. Anishabad, P.S. Phulwarisarif, District Patna
 2. Yatindra Nath Jha son of late Kirpa Kant Jha, resident of village Gonauli, P.S. Andhara, District Madhubani
 3. Kanhaiyaji son of late Tarkeshwar Narayan Sinha, resident of Road No.26A Ghurdaur road Rajiv Nagar, P.O. Keshari Nagar, P.S. Rajiv Nagar, District Patna
 4. Amjad Hussain son of late Ahmad Hussain, resident of Mohalla Beldar Toli Dargah road, P.O. Mahendru, P.S. Sultanganj, District Patna
 5. Pawan Jha son of late Dewaki Nandan Jha working in Bihar State Road Transport Corporation Parivahan Bhawan, Birchand Patel path, P.S. Kotwali, District Patna
 6. Ram Krishna Kumar Sinha son of late Jag Dayal Sinha, resident of village and P.O. Basauri, P.S. Sikrahta, District Bhojpur
 7. Shambhu Prasad Singh son of late Nand Kishore Singh, resident of Lal Muni Bhawan Sough Sheopuri near Abhay Carbon factory, Boring road, P.S. Shashtri Nagar, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. R.B. Singh son of late Bindeshwari Singh, 284 Nehru Nagar, P.S. Patliputra, District Patna-13

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

The Petitioners seek quashing of the order of cognizance dated 8.9.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.852(C) of 2008.

The case of the Complainant is that the Petitioners in connivance with a certain firm prepared false and fabricated documents, when a tender procedure was going on, which ended in the Complainant loosing out on the tender.

It has been submitted on behalf of the Petitioners that the Complaint Petition has been filed only because the Complainant was aggrieved since he had not qualified in the tender and the allegations are baseless and malicious, which do not deserve to proceed.

Having considered the nature of allegations in the Complaint Petition, even I have no manner of doubt in holding that the present prosecution is a gross abuse of the process of the Court and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 8.9.2009 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.852(C) of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12.05.2016
Transmission Date	12.05.2016