

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 30413 of 2010

Arising out of P.S. Case No. -1438C Year- 2009 Thana –
Complaint Case District- KHAGARIA

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Rajiv Prasad, Son of Krishna Nand Prasad, Resident of Village-Sanhauli, P.S.-Chitragupta Nagar, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Kumar Sinha, Son of Late Madan Mohan Prasad, Resident of Village-Sanhauli, P.S.-Chitragupta Nagar, District-Khagaria.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 36738 of 2010

Arising out of P.S. Case No. -1438C Year- 2009 Thana –
Complaint Case District- KHAGARIA

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Ram Uday Tiwari, Son of Late Rajeshwar Tiwari, Resident of Village-Meenapur Rayee, P.S.-Hajipur Sadar, District-Vaishali at Hajipur, at present posted as Station House Officer, Chitragupta Nagar, Police Station-Chitragupta Nagar, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Kumar Sinha, Son of Late Madan Mohan Prasad, Resident of Village-Sanhauli, P.S.-Chitragupta Nagar, District-Khagaria.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 30413 of 2010)

For the Petitioner/s : Mr. Amarendra Kumar No. I, Adv.

For the Opposite Party/s: Mr. APP.

(In Cr.Misc. No. 36738 of 2010)

For the Petitioner/s : Mr. Amarendra Kumar No. I, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-02-2016

The Petitioners seek quashing of the order of

cognizance dated 18.05.2010 passed by the Judicial Magistrate, 1st Class, Khagaria in Complaint Case No. 1438(C) of 2009.

The case of the Complainant is that on the night of occurrence the accused persons came to his door and started to abuse and threat him.

It has been submitted on behalf of the Petitioners that after the present Complaint was made a senior police official made an inquiry who found the allegations to be false. In fact, the Complainant is used to filing such frivolous Complaint against Government authorities which is evident from Annexure-4.

Having considered the nature of allegations, the entire proceeding as against all the accused persons including the order of cognizance dated 18.05.2010 passed by the Judicial Magistrate, 1st Class, Khagaria in Complaint Case No. 1438(C) of 2009 is, hereby, set aside.

The Applications stand allowed.

(Anjana Prakash, J.)

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