

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8557 of 2011

Arising Out of Complaint Case No.867C Year 2008 District- MUNGER

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Md. Firoz @ Abara, son of Md. Fakira, resident of Mohalla Hazratganj
Khankabara, P.S. Kasim Bazar, Distt. Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Khursheed Alam, son of late Kudrat Ali, r/o village Koda Maidan,
Shadipur Road, P.S. Kotwali, Distt. Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra, Adv.
Mr. Sanjay Kumar Sah, Adv.

For the State : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 27.4.2009 passed by the Judicial Magistrate, 1st
Class, Munger, in Complaint Case No. 867(C) of 2008.

The case of the Complainant is that he purchased a goat
on consideration of Rs.3,500/- from the Petitioners for which the
accused persons demanded a sale receipt which he gave. Later on, he
learnt that the Petitioner had instituted a case against him for forgery
in which he was arrested but released on bail later. It was then the
Complainant realized that the Petitioners had committed a wrong and
instituted the present Complaint.

It has been submitted on behalf of the Petitioner that it

is evident that the Complainant is trying to screen his misdeeds and he had instituted a similar Complaint earlier which ended in a Final Report. The present case has been filed also as a counter blast to the case instituted by one Khursheed Alam as admitted by the Complainant himself.

Considering the oral nature of allegations and the background facts, the application is allowed and the Proceeding including the order of cognizance dated 27.4.2009 passed by the Judicial Magistrate, 1st Class, Munger, in Complaint Case No. 867(C) of 2008, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
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