

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6479 of 2011

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

- =====
1. Mahendra Pathak son of late Shiv Nandan Pathak
 2. Sudha Devi wife of Mahendra Pathak, both resident of village Kathaiya Rahimpur, P.S. Saur Bazar, District Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhisundeo Mahto son of late Gulab Mahto, resident of village Kathiya Rahimpur, P.S. Saur Bazar, District Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-05-2016

The Petitioners seek quashing of the order of cognizance dated 3.11.2009 passed by the Judicial Magistrate, 1st class, Saharasa in Complaint case No.609C of 2008.

The case of the Complainant is that the Petitioners had cheated him by entering into an agreement for sale but not executed the same.

It has been submitted on behalf of the Petitioners that initially a First Information Report was instituted in this regard and after due investigation the police submitted final report with a recommendation that the Informant be proceeded against under Sections 182, 211 I.P.C. In order to stall such a prosecution he immediately filed a Protest Petition which was treated as a Complaint

and on unilateral allegations the case continued.

Considering that an independent agency looked into the grievance of the Complainant and found the same untrue, the application is allowed and the proceeding including the order of cognizance dated 3.11.2009 passed by the Judicial Magistrate, 1st class, Saharasa in Complaint case No.609C of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10.05.2016
Transmission Date	10.05.2016