

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.245 of 2011

Arising Out of Complaint Case No.2642(C) Year 2010 District- PATNA

Prem Chandra Mishra, S/O Late Fatneshwar Mishra, Chairman Media Department, Pradesh Congress, Chief Spokesperson, Indian National Congress Party, Sadakat Ashram, P.S. Patliputra, Distt. Patna, at present r/o Flat No. 1A, Mani Apartment, East Boring Canal Road, P.S. Budha Colony, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Sinha, Udyogi, son of late Ramdayal Singh, r/o Vill.-Bank Mains Colony, Chitragupta Nagar, P.S.-Patrakar Nagar, Dist.-Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Adv.

For the State : Mr. A.K. Choudhary, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of the Opposite Party No. 2.

The Petitioner seeks quashing of the order of cognizance dated 7.10.2010 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 2642(C) of 2010.

The case of the Complainant is that the accused persons were the spokes persons of the Congress Party of Bihar State Congress Committee and in order to get cheap popularity started giving speeches which were un-whole-some, hence, the present Complaint.

It has been submitted that the Complainant was not an

aggrieved persons and, hence, not entitled to file the present Complaint and moreover the allegations in the Complaint petition are so absurd, it deserves to be set aside.

Having considered the aforesaid, the application is allowed and the Proceeding including the order of cognizance dated 7.10.2010 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 2642(C) of 2010, is hereby, set aside.

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(Anjana Prakash, J)

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