

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43515 of 2014

Arising Out of PS.Case No. -791 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Nageshwari Kumari @ Nageshwari Devi wife of Late Harihar Mishra
 2. Prem Shankar Mishra son of Late Harihar Mishra
 3. Uma Shankar Mishra son of Late Harihar Mishra All are residents of village -
Pator, P.S. Ashok Paper Mill, District - Darbhanga
 4. Ram Chandra Yadav son of Late Ram Parikshan Yadav, working as Katib at
Registry office, Laheriasarai, P.S. Laherisarai, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Asharfi Ram Son of Late Bhola Ram resident of village - Baruara, P.S.
Bahadurpur, District - Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.13, Advocate
Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 11-02-2016

The Petitioners seek quashing of the order of cognizance dated 15.11.2013/16.11.2013 passed by the court of Sri A. Kunal, Judicial Magistrate, 1st class, Darbhanga in Misc. case No.162 of 2013/ C.R. No.791 of 2013.

The case of the Complainant is that he belonged to the Scheduled Caste and he had saved some money, after which he approached the Petitioners to sell their property and paid them money but instead he was cheated since the accused refused to return his money and hence the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the sale deed was infact executed and the present Complaint was filed erroneously.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered Annexure-2 i.e. sale deed, the application is allowed and the proceeding including the order of cognizance dated 15.11.2013/16.11.2013 passed by the court of Sri A. Kunal, Judicial Magistrate, 1st class, Darbhanga in Misc. case No.162 of 2013/ C.R. No.791 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--