

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54038 of 2013

Arising Out of PS.Case No. -252 Year- 2009 Thana -SAHARSA District- SAHARSA

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1. Atish Shri Gyan Son Of Bishnu Jha R/O Mohalla- Krisnanagar, P.S. + District- Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Nabisa Khatoon Wife Of Md. Shahabuddin Resident Of Village- Ghobargadha, P.S.+District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Adv
For the State : Mr. Awadhesh Kr Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 01-05-2017

This application under Section 482 of the Code of Criminal Procedure, has been filed for quashing the order dated 15.01.2013, passed by the C.J.M., Saharsa in Saharsa P.S. Case No. 252 of 2009, by which the C.J.M. Saharsa has accepted the final report submitted by the police and the protest petition filed by the informant-Opposite Party No. 2 in the court below on 05.05.2010, was ordered to be treated as complaint petition.

Heard learned counsel for the parties.

From the impugned order, it appears that the court below after submission of final form by the police, accepted the same and has treated the protest petition dated 05.05.2010 as complaint



petition, and has directed to treat the same as complaint case.

The sole ground taken by the petitioner is that compromise petition has been filed by the informant in the court below on 09.02.2011 (Annexure-3) with an affidavit.

On perusal of the impugned order, it appears that the learned Chief Judicial Magistrate, has merely ordered to treat the protest petition as complaint petition. This Court, therefore, does not find any illegality in the impugned order dated 15.01.2013, passed by the court below.

The criminal miscellaneous application is, accordingly, dismissed.

The petitioner is, however, granted liberty to press the compromise petition dated 09.02.2011, filed in the court below, which shall be considered on its own merit, without being prejudiced by this order.

(Sanjay Priya, J)

Ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

