

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16275 of 2012

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1. Uday Kumar S/O Nawal Kishore Prasad Resident Of Pranav Apartment,
Park Road, Kadamkuan, P.S.- Kadamkuan, District- Patna

2. Sanjiv Kumar Chandrayavi S/O Nawal Kishore Prasad Resident Of
Pranav Apartment, Park Road, Kadamkuan, P.S.- Kadamkuan, District-
Patna

.... Petitioner/s

Versus

1. The State Of Bihar & Ors (Details Not Given)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta

For the Opposite Party/s : Mr. Mayanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

9 28-11-2017 This criminal miscellaneous application has been

filed for quashing the F.I.R. of Shastri nagar P.S. Case No. 299 of

2010 under Sections 420, 406, 468, 467, 471/34 of the IPC,

against the petitioners, pending in the court of learned Chief

Judicial Magistrate, Patna.

Counter affidavit has been filed on behalf of O.P. No.

2 on 05.08.2014 which is on the record, stating therein that in the

instant case, the police after investigation has submitted charge-

sheet and cognizance has already been taken by the learned Chief

Judicial Magistrate, Patna vide order dated 22.12.2012 against all

the petitioners.

It is further submitted that I.A. petition has also been



filed by the informant on 16.02.2015 stating therein that on 07.02.2013 when the matter was admitted, the aforesaid fact was not brought to the notice of the court.

This Court is of the view that since cognizance has already been taken by order dated 22.12.2012, this criminal miscellaneous application making prayer to quash the F.I.R. filed against the petitioners has become in fructuous. Therefore, this criminal miscellaneous application is dismissed.

However, petitioners are at liberty to challenge the order of cognizance by filing fresh application, if so advised. The petitioner will submit before the court that delay occurred due to pursuing the matter in the Hon'ble Court.

(Sanjay Priya, J)

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