

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37977 of 2013

Arising Out of PS.Case No. -1011 Year- 2007 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

- =====
1. Lal Kumar Yadav @ Lalan Kumar, Son of Late Harilal Yadav, Resident of Village Haraili, P.S. Udakishanganj, District Madhepura.
 2. Sandesha, Wife of Lal Kumar Yadav, Resident of Village Haraili, P.S. Udakishanganj, District Madhepura.

.... Petitioners

Versus

1. The State of Bihar
2. Binod Kumar, Son of Shivnandan Yadav, Resident of Village Haraili, P.S. Udakishanganj, District Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Amish Kumar Jha, Advocate
For the State	:	Mr. Ajay Kumar No.I, APP
For O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 22-06-2017 Heard learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners have preferred this application for quashing order dated 07.01.2013, passed by the learned Judicial Magistrate, 1st Class, Madhepura in Complaint Case No.1011 of 2007 whereby cognizance has been taken under Sections 419/463/468/420/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that earlier this complaint case filed by opposite party no.2 against the petitioners was dismissed by Judicial Magistrate by order dated 05.08.2008. The complainant preferred revision application



before the sessions court, the same was allowed and matter was remitted back for fresh enquiry. The said order was passed on 13.04.2010 and it was challenged by the petitioners before this Court vide Cr. Misc. No.25803 of 2010 in which the final order was passed on 11.08.2015 whereby the revisional order of the sessions court was set aside. It means that the dismissal of the complaint was upheld but pursuant to revisional order by the sessions court, the learned Magistrate took cognizance on 07.01.2013 by the impugned order. Once the order dated 13.04.2010 passed by the Sessions Court in Criminal Revision No.110 of 2008 is set aside by this Court by judgment dated 11.08.2015 upholding the dismissal of the complaint, the dismissal order of the complaint in this case has become final order.

4. The learned APP appearing on behalf of the State concedes to this submission.

5. Having considered the submissions of the counsel for the petitioners, this Court finds that in Cr. Misc. No.25803 of 2010 by judgment dated 11.08.2015 the revisional order of the sessions court dated 13.04.2010 passed in Criminal Revision No.110 of 2008 was set aside whereby the case was sent back to the Magistrate for fresh enquiry so the dismissal of the complaint in present complaint case was upheld by this Court, therefore, no



further criminal proceeding can proceed in the matter; so the impugned order 07.01.2013, passed by the learned Judicial Magistrate, 1st Class, Madhepura in Complaint Case No. 1011 of 2007 as well as the further proceeding in the court below against the petitioners is set aside.

6. The quashing petition is allowed.

(Arun Kumar, J.)

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