

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46841 of 2014

Arising Out of PS.Case No. -41 Year- 2011 Thana -
SHASTRINAGAR District- PATNA

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1. Asha Maldahiar wife of Binod Kumar Maldahiar
2. Binod Maldahiar @ Binod Kumar Maldahiar son of Late Deonath Sahay Both resident of House No. 2, Road No. 4, Patel Nagar, P.S. Shastrinagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar son of Shital Prasad Thakur resident of Alkapuri, House No. A W - 2 E/12 Gardanibagh, P.S. Gardanibagh, District - Patna

.... Opposite Party/s

with

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Criminal Miscellaneous No. 47482 of 2014

Arising Out of PS.Case No. -41 Year- 2011 Thana -
SHASTRINAGAR District- PATNA

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1. Rajesh Kumar Pankaj @ Pankaj Kumar
2. Rakesh Kumar Niraj @ Niraj, both sons of Binod Kumar Maldahiar, both resident of House No. 2, Road No. 4, Patel Nagar, P.S.- Shastrinagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar, son of Shital Prasad Thakur, resident of Alkapuri, House No. A W-2 E/12 Gardanibag, P.S.- Gardanibag, District- Patna

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.46841 of 2014)

For the Petitioner/s	:	Mr. Yugal Kishore, Sr. Adv
		Mr. Virendra Prasad, Adv
		Mr. Nutan Sahay, Adv
		Mr. Ugranath Malik, Adv

For the Informant	:	Mr. Arun Kumar, Adv
(In Cr.Misc. No.47482 of 2014)		



For the Petitioner/s : Mr. Yugal Kishore, Sr. Adv
Mr. Virendra Prasad, Adv
Mr. Nutan Sahay, Adv
Mr. Ugranath Malik, Adv
For the Informant : Mr. Arun Kumar, Adv
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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date: 03-04-2018

By way of these two petitions, the petitioners herein have sought quashing of the order dated 11.02.2013 passed by the learned Judicial Magistrate, 1st Class, Patna in Connection with Shastri Nagar P.S. Case No. 41 of 2011 whereby cognizance has been taken against them under Sections 379, 427, 34 of the Indian Penal Code.

The informant/O.P. No. 2 is the tenant of Asha Maldahiar and Binod Maldahiar, petitioners in Cr. Misc. No. 46841 of 2014.

Petitioner No. 2 viz. Binod Maldahiar @ Binod Kumar Maldahiar has died during the pendency of the present petition.

Other petitioners in Cr. Misc. No. 47482 of 2014 are the sons of petitioners of Cr. Misc. No. 46841 of 2014, who are residing in U.S for the last twenty years. There was a dispute between the landlord and the informant/O.P. No. 2 with respect to tenancy.

Now, the dispute no longer remains alive to be adjudicated upon.

Mr. Arun, learned counsel for the O.P. No. 2 has fairly



submitted that at that time, since vehicle of the O.P. No. 2/informant went missing from the premises of petitioner No. 1(Cr. Misc. No. 46841 of 2014), this case was lodged so as to prevent any such recurrence.

Now the tenancy of the informant/O.P. No. 2 having been terminated, no dispute remains alive for adjudication.

No useful purpose would be served in continuing with the prosecution of the petitioners in the present case.

Mr. Arun, learned counsel for the O.P. No. 2, on instructions, therefore submits that he will have no objection if the order of cognizance dated 11.02.2013 passed by the learned Judicial Magistrate, 1st Class, Patna in connection with Shastri Nagar P.S. Case No. 41 of 2011 is quashed.

Considering the nature of accusation, the passage of time and consequently the change of the circumstances and good sense having prevailed upon the parties not to cross the roads of with each other, this Court is of the view that it would only be an abuse of the process of Court and waste of time of the parties to continue to keep this issue between them alive to be adjudicated by a Court of law.

This Court has appreciated the gesture of Mr. Arun, learned counsel appearing for the O.P. No. 2.

For the reasons stated above, the order of cognizance dated 11.02.2013 passed by the learned Judicial Magistrate, 1st



Class, Patna in connection with Shastri Nagar P.S. Case No. 41 of 2011 against the petitioners is set aside and all other proceedings emanating therefrom are also quashed.

The application stands allowed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07/04/2018
Transmission Date	07/04/2018

