

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14544 of 2015**

Arising Out of PS. Case No.-176 Year-2007 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Ramjee Sharma @ Ramjee Prasad Singh Son of Late Deopati Narayan Singh,
Resident of village- Deora, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Narendra Yadav @ Nagendra Yadav, Son of Sri Sarayu Yadav, resident of
village- Pakhanpur, P.S.- Ghoshi, District- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Sangita Sharmaapp, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-02-2023 Heard learned counsel for the petitioner and the

State.

This is an application for quashing of the order dated
13.10.2014 passed in Complaint Case No. 176 of 2007 (Tr. No.
2861 of 2014) by Judicial Magistrate, 1st Class, Jehanabad.

The learned Subordinate Court recorded its order
dated 13.10.2014 which is as follows :

*"परिवादी की हाजिरी है। अभियुक्तों
की ओर से वकालतन हाजिरी है जो सिर्फ आज
भर के लिए स्वीकृत किया जाता है। उभय पक्षों
को सुना गया। माननीय उच्च न्यायालय के
आदेश I am inclinall to accept the submission
of the petitioner. In view of such, the*



application is allowed and the entire proceeding including the order dated 9.10.2009 passed by the Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 176/2002 Tr 169/2009) is hereby quashed.

अतः वाद का कार्यवाही समाप्त करते हुए निष्पादन किया जाता है। अभिलेख अभिलेखागार में जमा करें।"

From the order itself, it shows that the same has been passed in the light of an order of a coordinate bench of this Court in Cr. Misc. No. 43743 of 2009 dated 8.7.2013 in which the learned Court had passed the following :

"I am inclined to accept the submission of the Petitioner. In view of such, the application is allowed and the entire proceeding including the order dated 09.10.2009 passed by the Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 176 of 2007 (Tr. No. 169 of 2009) is, hereby, quashed.

However, the quashment of the proceeding shall have no bearing on any



*civil proceeding initiated/ to be initiated by
the Complainant.”*

Thus, this Court reiterates that the order in question has been passed following the order of a coordinate bench of the Patna High Court by which the entire proceeding including the order dated 9.10.2009 in Complaint Case No. 176 of 2007 was quashed.

There is no merit in the petition and is accordingly dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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