

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45868 of 2017

Arising Out of PS. Case No.-1048 Year-2010 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Md. Anwarul Haque S/o Late Sheikh Mansur Ali, Resident of Village-
Begumpur, P.O.- Parora, P.S.- Kirteyanand Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Madan Prasad, S/o Late Gowardhan Singh, Resident of Village- Banwariya,
P.O.- Jaru Banwariya, P.S.- Hulasganj, District- Jehanabad. at present R/o
Mohalla- Horilganj Jehanabad, P.O.- Jehanabad, P.S. and District-
Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ataur Rahman, Adv
For the Opposite Party/s	:	Mr. Ashlam Ansari, APP
		Mr. Ranjeet Kumar
		Mr. Nitya Nand Neeraj

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-11-2023 1. Heard learned counsel for the petitioner, learned
APP along with learned counsel for the OP No. 2.

2. The learned counsel for the OP No. 2, at the outset,
submits that a money suit was also filed for recovering the
amount, which is alleged in the present FIR against the
petitioner. The said money suit was dismissed but in appeal, i.e.,
appeal no. 1 of 2015 was allowed by order dated 16-12-2012
passed by the learned Additional District Judge-VII, Jahanabad.
It is next submitted that since the OP No. 2 has already got an
order in appeal as such, has no objection in the event if the
present quashing application is allowed.



3. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the dispute was purely civil to which a criminal colour was given.

4. Considering the submission made by the learned counsel for the OP No. 2, the order dated 4-11-2011 passed in complaint Case No. 1048 of 2010, Tr No. 1210 of 2017 by Sri Ranjan Kumar Singh, learned Judicial Magistrate, 1st Class, Jahanabad, whereby cognizance of offences under Sections 406 and 504 of the IPC has been taken, is hereby quashed.

5. Accordingly, the instant quashing application is allowed.

(Satyavrat Verma, J)

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