

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28212 of 2008

Arising Out of PS.Case No. -64 Year- 2006 District- BEGUSARAI

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1. Jitendra Narain S/o Late Rabindra Narayan
2. Minakshi Rani, D/o- Late Rabindra Narayan R/o Moh- Mungerganj, P.S.-
Begusarai Town, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Aggrawal S/o Late Arbind Kumar Aggrawal R/o Mohalla-
Mungerganj, P.S.- Begusarai Town, District- Begusarai
3. The S.D.M., Majhaul, Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate
For the State : Mr. B. Lal, APP
For Opposite Party No.2 : Mr. Mukesh Kr. Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

The Petitioners seek quashing of the order dated 22.6.2007 passed in Criminal Revision No.288 of 2006, by which Additional Sessions Judge, F.T.C. 3rd, Begusarai set aside the order dated 17.4.2006 passed by the S.D.M, Majhaul, Begusarai in Misc. case No.64(M) of 2006 without proceeding on merits only on the ground of maintainability in a proceeding under Section 145 Cr.P.C.

The Counsel for the Petitioners submits that there is already a Title Partition Suit pending with respect to the same land and the matter is of the year 2006. Eight years later whether the situation is as it was then is not known.

On the other hand, the Counsel for the Opposite Party No.2 submits that since the Magistrate was wrong in dropping the proceeding only on the point of maintainability the proceeding should go on.

Considering that it is an old matter and as claimed there is a Title Partition Suit with regard to the same property, the matter is remanded to the Magistrate concerned to look into the aforesaid aspects and then proceed in the matter in accordance with law.

With these observations, the application is disposed of.

(Anjana Prakash, J)

Narendra/-

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