

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18359 of 2012

Arising Out of Complaint Case No.174 Year- 2010 District- JEHANABAD

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Md. Farooque Azam, S/O Md. Shivli Marhoom, R/O Mauza Mandavi Jehanabad,
Mohalla-Gaderia Khand, P.S.-Jehanabad, Distt-Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar, S/O Sri Bigan Ram, R/O Vill Mandavi Jehanabad, Fhida
Hussain Road, Jehanabad, P.S. Jehanabad, Distt. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Pd., Adv.

For the State : Mr. Rana Randhir Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 13.1.2012 passed by the Judicial Magistrate, Jehanabad, in Complaint Case No. 174 of 2010, Trial No. 433 of 2011.

The case of the Complainant is that some of the accused persons came to his house and asked as to why he was not proceeding with the earlier Complaint. Also that they should compromise the matter. He further stated that his signatures were taken on blank papers about to be used by them for illegal purpose. The same was subsequently converted to a sale deed and when he

protested he was abused.

It has been submitted that the Complaint is completely vague in material particulars and fact of the matter is that the Complainant had executed a sale deed willingly but one month later, he filed the present Complaint because of some dissatisfaction.

On the other hand, the counsel for the Complainant submits that since the accused persons had forcibly got him to execute a sale deed, and hence they should be put on trial.

Having considered the background facts of the case, I am inclined to agree with the submission raised on behalf of the Petitioner that the allegations appear unbelievable. At best a Civil dispute is made out.

Hence, the application is allowed and the order of cognizance dated 13.1.2012 passed by the Judicial Magistrate, Jehanabad, in Complaint Case No. 174 of 2010, Trial No. 433 of 2011 is hereby set aside.

However, the quashment of this Prosecution shall have no bearing on any other Proceedings.

(Anjana Prakash, J)

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