

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10757 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SASARAM (ROHTAS)

- =====
1. Malati Devi, wife of Nand kishore Dubey @ Keshwar Dubey
 2. Nand Kishore Dubey @ Keshwar Dubey, son of late Banshidhar Dubey
- Both residents of village Sujanpur, P.S. Indrapuri, Distt. Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bebi Devi @ Muni Devi, wife of Jai Prakash Pandey, daughter of late Rajesh Dubey, resident of village Sujanpur, P.S. Indrapuri, Distt. Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B. Lal, Adv.

For the State : Mr. Shailendra Kr. 2, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-03-2015

Supplementary affidavit filed today on behalf of the
Petitioner, be kept on the record.

Heard learned counsel for the Petitioner and the State.

The Petitioners seek quashing of the order of
cognizance dated 13.12.2011 passed by the Judicial Magistrate, 1st
Class, Sasaram, in Complaint Case No. 1575 of 2010, Trial No. 2134
of 2012.

The case of the Complainant is that a certain piece of
land was transacted between them but without being paid
consideration amount.

A supplementary affidavit has been filed bringing on
record the sale deed, showing receipt of consideration amount on

which signature of the Complainant is very much present. Further submission is that for the same cause of action, a Title Suit 40 of 2011 is going on.

The counsel for the Complainant is unable to deny the factum of her signature on the sale deed.

Having considered aforesaid facts, in my opinion, the present Complaint is superfluous in nature and hence, the application is allowed and the order of cognizance dated 13.12.2011 passed by the Judicial Magistrate, 1st Class, Sasaram, in Complaint Case No. 1575 of 2010, Trial No. 2134 of 2012.

It is made clear that this order shall have no bearing on any other Proceedings.

(Anjana Prakash, J)

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