

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2172 of 2014

Arising Out of Complaint Case No. -96 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Birendra Kumar Singh, S/O Late Nand Kumar Singh, R/o Rajeev Nagar, Road No.6, Patna- 24, P.S- Rajeev Nagar, District- Patna, Ex-Treasurer, Magadh Niketan Sahkari Grih Nirman Samiti Ltd., Shakti Nagar, Digha, Patna.

.... Petitioner.

Versus

1. The State of Bihar
2. Magadh Niketan Sahkari Grih Nirman Samiti Ltd., Shakti Nagar, Digha, Patna through its Administrator.
3. Bharat Singh, S/O Late Ram Kinkar Singh, R/O Rajeev Nagar, Road No. 6, Patna- 24, P.S- Rajeev Nagar, District- Patna, Ex- Honorary Secretary, Magadh Niketan Sahkari Grih Nirman Samiti Ltd., Shakti Nagar, Digha, Patna.
4. Birendra Narayan Singh, S/O- Late Rameshwar Singh, R/O- Suhiya, P.S- Shahpur Patti, District- Bhojpur, Arrah.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ishwari Singh, Advocate

For the Opposite Party/s : Mr. Ansarul Haque, A. P.P.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 23-01-2015

In spite of valid service of notice, none has appeared on behalf of opposite party nos. 2 to 4.

The petitioner seeks quashing of the entire proceeding including the order of cognizance dated 28.08.2010, passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 96 C of 2010.

It appears that Complaint Case No. 96 C of 2010 was filed against one Bharat Singh and this petitioner.

Learned counsel for the petitioner submits that the case of

the complainant was that his mother Laljhari Devi was enrolled as a member of the Housing Society in the year 1981 for which she has deposited requisite money. The land was allotted to her by Bharat Singh, who was the Honorary Secretary of the Society. However, the land was not registered and in the meantime, the Managing Committee stood dissolved. Later on, it transpired that the complainant's brother had sold off the plots.

The allegation is that without cancelling the earlier allotment, the Society had fraudulently transferred the land in the name of the brother of the complainant.

A Bench of this Court vide order dated 11.08.2014, passed in Cr. Misc. No. 813 of 2014, has quashed the prosecution against one Bharat Singh holding to be one of a civil dispute.

In the circumstances, the order taking cognizance dated 28.08.2010 passed in Complaint Case No. 96 C of 2010 against this petitioner is also quashed.

(Samarendra Pratap Singh, J.)

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