

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 20797 of 2012

Arising out of P.S. Case No. -141 Year- 2011 Thana -Town District-SARAN

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Anil Saran, Son of Late Doctor Harihar Saran, Resident of Mohalla-Dakbunglow Road, Police Station-Chapra Town, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gorakh Sah, S/o Late Iswari Sah, Resident of Mohalla- West Salempur, P.S.-Chapra (T), Distt.-Chapra at Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Imran Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-02-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 06.02.2012 passed by the Chief Judicial Magistrate, Saran at Chapra in Town P.S. Case No. 141 of 2011 (Tr. No. 2916 of 2012).

The case of the Informant is that the accused persons entered into his house and assaulted him with fists and slaps and compelled him to execute a document with regard to the house which he had purchased from Petitioner's mother-in-law. The Petitioner then took out a stamp paper and got him to sign it saying that the house would be vacated within ten days. On this Complaint the present case was instituted which after due investigation ended in a final report. The Police also recommended action against Informant under Sections 182 and 211 IPC. However, disagreeing with the Police the Magistrate took cognizance in the matter.

It has been submitted that the Petitioners are respectable persons of Chapra Town and fact of the matter is that the Informant

had illegally got the Sale-deed executed in his favour by the Petitioner's mother-in-law on account of which the Petitioner filed Chapra Town P.S. Case No. 183 of 2010. The wife of the Petitioner has also filed Complaint Case No. 1918 of 2009 in which also the Informant is facing trial. The further submission is that a Title Suit is going on with regard to the house allegedly having been purchased by the Complainant from the Petitioner's mother-in-law.

Considering that the parties are in the process of sorting out their differences in the civil proceeding, the application is allowed and the entire proceeding including the order of cognizance dated 06.02.2012 passed by the Chief Judicial Magistrate, Saran at Chapra in Town P.S. Case No. 141 of 2011 (Tr. No. 2916 of 2012), is, hereby, set aside.

Also in the interest of the parties, the further proceeding of Chapra (T) P.S. Case No. 183 of 2010, Complaint Case No. 1918 of 2009, Chapra (T) P.S. Case No. 167 of 2009 and Chapra Town P.S. Case No. 177 of 2012 pending before the respective Magistrates, Saran at Chapra be dropped.

The Application stands allowed.

However, the quashment of the present proceeding shall have no bearing on the civil proceedings.

(Anjana Prakash, J)

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