

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17626 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SARAN

- =====
1. Chinta Devi, W/O Ram Lakshan Dubey,
 2. Rani Kumari, D/O Ram Lakshan Dubey, resident of village- Panditpur Dubey Tola, P.S- Janta Bazar, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar,
2. Nagar Pandey, S/O Late Kapiladeo Pandey, resident of village- Panditpur Dubey Tola, P.S- Janta Bazar, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2015

The Petitioners seek quashing of the order of cognizance dated 04.03.2011 passed in Tr. No. 2105 of 2012 arising out of Complaint Case No.3343 of 2010 by the Judicial Magistrate, 1st class, Chapra.

The case of the Complainant is that on the date of occurrence the accused persons altercated with him over a minor issue and threatened and assaulted him.

It has been submitted on behalf of the Petitioners that the Complainant and the Petitioners belong to the same family and there is a Partition Suit with regard to same piece of land. Earlier, the son of the Complainant had instituted First Information Report with almost similar allegation which after due investigation was found to

be false. Thereafter, the present Complaint Petition has been filed only to harass them.

On the other hand, counsel for the Complainant submits that since offence punishable under the criminal law is made out and cognizance has been taken, this Court should not interfere in the matter.

Having gone through the nature of allegations which does not inspire reliance as also Annexure-2 which shows that Title Suit is pending between the parties who are related, entire proceeding including the order of cognizance dated 04.03.2011 passed by the Judicial Magistrate, 1st class, Chapra, in Tr. No.2105 of 2012 arising out of Complaint Case No.3343 of 2010 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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