

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 17181 of 2012

Arising out of P.S. Case No. -185 Year- 2009 Thana -Mahua
District- VAISHALI (HAJIPUR)

=====

Vinod Kumar Singh S/o Muneshwar Singh R/o Village - Jandaha,
P.S. Jandaha, District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mostt. Bifiya Devi W/o Late Ram Bilash Singh R/o Village -
Jandaha, P.S. Jandaham, District – Vaishali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Roy, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioner seeks quashing of the order of cognizance dated 24.01.2012 passed by the Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 185 of 2009 (Tr. No. 4104 of 2012, G.R. No. 1765 of 2009).

The case of the Informant is that her husband died on 30.08.2005 leaving behind three married daughters but no male issue. After his death she learnt that the Petitioner, Vinod Kumar Singh who happens to be nephew of her husband had got executed a gift deed on 25.08.2005 registered on 22.12.2005 which was evidently false.

It has been submitted on behalf of the Petitioner



that fact of the matter is that he had been appointed the Karta by his uncle having no male issue and had performed his last rites as well. The land had been gifted to him by his uncle on account of which subsequently the Complainant also filed a Title Suit which is still pending. The Petitioner has appeared before the Court concerned. In the meanwhile, some ancillary action was taken on the said land such as mutation against which the Complainant moved before the DCLR and Collector but both of them rejected the prayer of the Complainant. In such circumstances, when there is a gift deed upon which the mutation has already been confirmed by Competent Authority the present Complaint is unwarranted.

On the other hand, Counsel for the Complainant submits that since the Title Suit is still pending there is no meaning of the orders of the DCLR and Collector.

Having considered that the same subject matter is subjudice before a Civil Court which is fully competent to decide as to whether the gift deed was false or fabricated, in my view, the present Complaint is superfluous in nature which deserves to be set aside.

Hence, the application is allowed and the entire proceeding including the order of cognizance dated 24.01.2012 passed by the Chief Judicial Magistrate,

Vaishali at Hajipur in Mahua P.S. Case No. 185 of 2009
(Tr. No. 4104 of 2012, G.R. No. 1765 of 2009) is, hereby,
set aside.



The Application stands allowed.

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

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--