

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25717 of 2012

Arising Out of PS.Case No.162C Year- 2006 District- NALANDA (BIHARSHARIFF)

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1. Krishna Yadav
 2. Suresh Yadav
 3. Saryug Yadav
- All sons of Babu Ram Yadav
4. Manju Devi, W/O Sunil Paswan
 5. Sunil Paswan, S/O Siwan Paswan
 6. Tunni Tanti, S/O Ramotar Tanti
 7. Indradeo Pandit, S/O Kishun Pandit
 8. Vijay Pandit @ Vinay Kumar
 9. Ashok Pandit

Both sons of Indradeo Pandit

All residents of village - Nijampura, P.S. Asthawan, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandeshwar Prasad, son of late Jahuri Sao, village Ashthawan, P.S. Ashthawan, Distt. Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
Mr. Ritesh Kumar, Adv.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 13.1.2012 passed by the Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda, in Complaint Case No. 162(C) of 2006.

The case of the Complainant is that the accused persons has committed theft mustard crop from his land. Initially, a First Information Report was instituted in regard to the present allegation

but, after due investigation, Final Report was submitted in the matter. However, a Protest petition was filed which was treated as Complaint and, thereafter, the matter was dropped.

The submission of the Petitioner is that evidently, in the facts of the case, it appears that on account of land dispute, the present case has been filed. Both the Parties are asserting their right over the said land and in view of such no Criminal offence would be made out.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice, he has chosen not to appear before this Court.

Considering the aforesaid aspect of the matter, the application is allowed and entire Proceeding including the order of cognizance dated 13.1.2012 passed by the Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda, in Complaint Case No. 162(C) of 2006, is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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