

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41795 of 2011

Arising Out of PS.Case No.3014 Year- 2010 Thana -null District-
WESTCHAMPARAN(BETTIAH)

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1. Billu Kumari
2. Buchi Kumari D/O Rajendra Prasad
3. Rajendra Prasad S/O Late Ram Prasad Sah
4. Abhimanyu Kumar S/O Rajendra Prasad, Resident Of Khuda Baksha Chowk,
P.O. & P.S.- Bettiah Town, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Lalita Devi W/O Shyam Nandan Prasad, Resident Of Khuda Baksha Chowk,
P.O. & P.S.- Bettiah Town, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Udai Chand Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 21.9.2011 passed by the Judicial Magistrate, 1st class, Bettiah in Complaint case No.3014C of 2010 (Trial No.3071 of 2011).

The case of the Complainant is that she was in possession of the premises and on the date of occurrence when she returned after casting her vote, she found her room unlocked and house hold articles stolen. She found out that the accused persons had done such an act. So she went to demand an explanation. However she along with her husband were abused and assaulted but thankfully saved at the intervention of the neighbours.

From the petition filed herein, I find that there was a Partition Suit pending between the parties since both of them claimed title over the premises. Earlier to the present Complaint, the Petitioner No.4 had filed Complaint case No.2358C of 2010 in which cognizance was taken under Section 323 I.P.C. against the Complainant and her husband. It is subsequently that the present Complaint was filed.

Having considered the background of dispute, I would be inclined to hold that the two Complaints are completely frivolous and deserves to be set aside. Hence, the application is allowed and the proceedings of Complaint case No.3014C of 2010 including the order of cognizance dated 21.9.2011 passed by the Judicial Magistrate, 1st class, Bettiah in Complaint case No.3014C of 2010 (Trial No.3071 of 2011) as also proceeding of Complaint case No.2358C of 2010 pending before the court of Chief Judicial Magistrate, Bettiah are hereby set aside.

Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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