

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.28697 of 2009**

Arising Out of Complaint Case No.2544C Year- 2007 District- WEST CHAMPARAN (BETTIAH)

1. Rameshwar Sharma, son of late Bishundeo Sharma

2. Md. Akbar, son of late Md. Latif

Both resident of village Chailabhar, P.S. Majhauria, Distt. West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

2. Bibi Rehana Khatoon, wife of Md. Kalam Mian, resident of village Balha, P.S. Govindganj, Distt. West Champaran, at present village Chailabhar, Tola Bhatwalia, P.S. Majhauria, Distt. West Champaran.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sadanand Jha, Adv.

Mr. Sanjay Kumar, Adv.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 11-08-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 22.5.2008 passed by the Judicial Magistrate, Bettiah, West Champaran, in Trial No. 2182 of 2008 arising out of Complaint Case No. 2544 C of 2007.

The case of the Complainant is that after death of her father, she received some land from him. However, the accused persons took her to the registry office at Bettiah town and got her signature on some documents and created a false sale deed.

The Petitioner submits that it is completely false to say that anything was done without consent of the Complainant. In fact,

the Complainant after selling her lands felt she was deprived of the market value and hence she filed the present Complaint with trumped up charges. It is impossible to believe that a person whose photograph was also taken in a registry office would be made to sign any document against her will.

On the last occasion notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Considering the nature of allegation and the submission of the Petitioner, the application is allowed and the Proceeding including the order of cognizance dated 22.5.2008 passed by the Judicial Magistrate, Bettiah, West Champaran, in Trial No. 2182 of 2008 arising out of Complaint Case No. 2544 C of 2007 is hereby set aside.

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

**(Anjana Prakash, J)**

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