

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44702 of 2014

Arising Out of Complaint Case No.380 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Naimun Nisha Wife of Late Sahabuddin Mansuri R/o village- Nokha, P.S. Nokha,
Distt.- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Riyajudin @ Mantu, Son of Late Hadish Mian, R/o village + P.O.- Nokha, P.S.-
Nokha, Distt.- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the State : Ms. Indu Kumari Srivastav, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance
dated 16.12.2013 passed by the Judicial Magistrate, 1st Class,
Sasaram, Distt. Rohtas, in Complaint case No. 380 of 2013.

The case of the Complainant is that he was in possession
of a certain piece of land which was wrongly allotted in the name of
one Gafur Mian @ Gafar. He subsequently, executed a deed of
Bajdawa in favour of the father of the Complainant. After his death,
his daughter Shairun Nisha who had no concern with the father,
hatched a conspiracy with the Petitioner, executed a sale deed in
regard to the same land. When the Complainant requested for

cancellation of sale deed, it was denied and, hence, the present Complaint petition.

It has been submitted that evidently, in the facts of the case, a civil dispute is made out. If at all any one is aggrieved, it is the Petitioner for having been deceived by Shairun Nisha who had no authority to sell the land in question who evidently has no grounds and, hence, the present Complaint should be quashed.

On the other hand, the counsel for the Complainant submits that since deception has been practiced by the accused, they should be put on Trial.

Having considered the nature of allegation, the application is allowed and the Proceeding including the order of cognizance dated 16.12.2013 passed by the Judicial Magistrate, 1st Class, Sasaram, Distt. Rohtas, in Complaint case No. 380 of 2013, against all the accused persons is hereby set aside without prejudice to the right of either Parties.

(Anjana Prakash, J)

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