

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7532 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- KHAGARIA

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Ramakant Prasad Singh S/o Late Ram Kishore Singh.

.... Petitioner/s

Versus

1. State of Bihar.
2. Mithilesh Kumar Suman S/o Late Saryug Kunwar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Renu Kumari, Adv.
Mr. Sankarshan, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

No one appears on behalf of the O.P. No. 2.

The petitioner seeks quashing of the order of cognizance dated 13.10.2009 passed by the Judicial Magistrate 1st Class, Katihar in Complaint Case No. 192C of 2009.

The case of the complainant is that he was the grand son of one Bajo Kunwar and in partition suit bearing Partition Suit No. 80 of 1950 between Jado Kunwar and one Lalpari Devi pending before the Sub-Judge 1, Munger a compromise was arrived at on 29.06.1956. As per the compromise the lands were mutually distributed. However, the accused persons started pressurizing the complainant to sell the lands which he refused but later on he learnt the land had been registered by the accused in favour of accused Vibha Devi.

It has been submitted on behalf of the petitioner that from

the facts of the complaint petition itself it appears that dispute is civil in nature and is only in regard to manner in which the land was executed by the accused persons amongst them on the basis of compromise arrived at. After the complaint had been filed, the petitioner started making enquiry with regard to his claim and he found that his father was rightful owner of the land and hence there was no reason for anyone to be aggrieved with the transfer of the land to anyone by him.

Having gone through the complaint, I would be inclined to agree with the submissions so raised by the petitioner. Hence the application is allowed without being prejudice to the right of the parties and the order of cognizance dated 13.10.2009 passed by the Judicial Magistrate 1st Class, Katihar in Complaint Case No. 192C of 2009 is hereby set aside

(Anjana Prakash, J)

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