

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14020 of 2013

Arising out of P.S. Case No. -3189 Year- 2007 Thana -COMPLAINT
CASE District- ARRARIA

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Janki Sharan S/o Late Shankar Prasad, the then District Land Acquisition Officer Cum- D.C.L.R. Araria, Dist.- Araria R/o Mohalla- Ashiana Nagar, Phase-Ii, P.S.- Rajiv Nagar, Dist.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajendra Prasad Gupta S/o Late Shiv Narain Ram R/o Farbisganj, P.S.- Farbisganj, Distt.- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Adv. Mr. Rana Pratap Singh, Adv. Mr. Dharmendra Kumar Singh, Adv.
For the Opposite Party/s:		Mr. Nagendra Dubey, Adv. Mr. Ashok Kumar Singh, Adv. Mr. Parmeshwar Vishwakarma, Adv.
For the State	:	Mr. Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

Counter-Affidavit filed today on behalf of the
Opposite Party No. 2 be kept on record.

The Petitioner seeks quashing of the order of non-
discharge dated 16.01.2013 passed by the Judicial Magistrate,
1st Class, Araria in Complaint Case No. (C)-3189 of 2007.

The case of the Complainant is that on the basis of a
compromise decree he had got a certain piece of land over
which he was in possession and was paying rent. Later on he
received a notice from the Land Acquisition Officer, Araria that
the same had been acquired for Seema Suraksha Bal by
Ministry of Defence and he was required to show papers of
possession and title. He then showed the documents but
received no information from there. Later on he came to know
that a certain amount of money had been paid to another lady

for the same land. It was under these circumstances that he filed the present Complaint.

It has been submitted on behalf of the Petitioner that he was the Land Acquisition Officer and if at all the Complainant had any grievance there was a proper forum for redressal of the same instead of which he has filed a criminal Complaint.

On the other hand, Counsel for the Complainant submits that even if he has an alternative remedy he could also seek protection of a Criminal Court.

Having considered that if, at all, the Petitioner had committed a wrong it was covered under Section 114 Evidence Act which cannot be easily dislodged and the Complainant can approach an authority which is specially constituted for such grievances, the proceeding as against the Petitioner including the order of non-discharge dated 16.01.2013 passed by the Judicial Magistrate, 1st Class, Araria in Complaint Case No. (C)-3189 of 2007 is, hereby, set aside.

The Application stands allowed without prejudice to the right of the parties.

(Anjana Prakash, J.)

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