

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53929 of 2013

Arising Out of PS.Case No. -407 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Kazoma Devi, W/O Late Deoki Nandan Singh @ Deoki Singh, resident of village- Mano Rampur, Police Station- Barhiya, District- Lakhisarai.
 2. Ashwani Singh, S/O Late Kamleshwari Singh,
 3. Nrip Nandan Singh, S/O Late Jagdambi Singh,
 4. Sachidanand Singh, S/O Late Rajeshwari Singh,
 5. Sanjeet Kumar Singh, S/O Kapildeo Singh, all resident of village- Naya Tola, Bajeetpur, Police Station- Muffasil (Begusarai), District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uma Kumari, W/O Prasadha Narayan Sharma, resident of village Akopur, Police Station- Cheria Bariarpur, District Begusarai, at present residing at Sahjanand Nagar, Matihani Road, Ward No. 40, Police Station Town, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar No.1, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-06-2015

The Petitioners seek quashing of the order of cognizance dated 11.11.2013 passed by the Judicial Magistrate, 1st class, Begusarai, in Complaint Case No.407-C of 2013.

The case of the Complainant is that she was the only issue of her parents but her uncle after the death of her grand-father executed her part of property in favour of the co-accused.

It has been submitted on behalf of the Petitioners that even conceding the allegation in the Complaint Petition, at best a civil dispute is made out and the Complainant has resorted the same

by filing Title Suit No.284 of 2012 where the subject matter is the same and both the parties claim bonafide right, title and possession over the land which can be decided only by a competent Civil Court.

On the other hand, counsel for the Complainant submits that since the accused persons have cheated the Complainant and deprived her of rightful share of land they should be put on trial.

Having considered the nature of material and that for the same subject matter a Title Suit is pending, I am inclined to allow the application to avoid multiplicity of proceeding.

Accordingly, the order of cognizance dated 11.11.2013 passed by the Judicial Magistrate, 1st class, Begusarai, in Complaint Case No.407-C of 2013, is hereby set aside in so far as Petitioners are concerned.

The application stands allowed.

However, this order shall have no bearing on any other proceeding.

(Anjana Prakash, J)

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