

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13058 of 2013

Arising Out of PS.Case No. -623 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

1. Md. Meraj @ Meraj Alam @ Meraj Rahmani S/O Motiur Rahman Resident Of Village Berai Tola Khanpur, P.S. Hathauri, District Muzaffarpur At Present C/O Mohammad Nahi Mohammad At Shabani Riyadh Kingdom Of Saudi Arabia, Post 151101, Code 11767.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Bibi Anwari Jalan W/O Md. Tabir Resident Of Village Berai Tola Khanpur, P.S. Hathori, District Muzaffarpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhunath Choubey, Adv.
Mr. A.K. Lal, Adv.

For the State : Mr. Sanjay Kr. Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 24.7.2010 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint case No. 623 of 2010.

The case of the Complainant is that she had purchased the land from the accused persons on which she had paid land revenue. Later she learnt that her name was deleted from the revenue records and a compromise petition was filed in the Lok Adalat on account of which the present Complaint has been filed.

It has been submitted that fact of the matter is that a Title

Suit No. 236 of 2009 is pending for the same cause of action and, hence, the present Criminal Case should be set aside.

On the other hand, the counsel for the Complainant submits that since the accused persons had committed fraud upon her, they should be put on Trial.

Having considered the nature of allegation and pendency of the Title Suit, the application is allowed and further Proceedings of Complaint case No. 623 of 2010 including the order of cognizance dated 24.7.2010 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, as against all the accused persons, is hereby set aside without prejudice to either Party.

S.Ali/-

(Anjana Prakash, J)

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