

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12165 of 2013

Arising out of P.S. Case No. -1506 Year- 2010 Thana –BHABHUA
(KAIMUR) COMPLAIN CASE District- Kaimur

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1. Sheopujan Pandey S/o Late Jhota Pandey @ Munijee Pandey Resident of Village Balipur, P.S. Bhagwanpur, District Kaimur At Bhabua.
 2. Bashistha Pandey S/o Late Jhota Pandey @ Munijee Pandey Resident of Village Balipur, P.S. Bhagwanpur, District Kaimur At Bhabua.
 3. Sheomurat Pandey S/o Late Jhota Pandey @ Munijee Pandey Resident of Village Balipur, P.S. Bhagwanpur, District Kaimur At Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manti Devi W/o Arjun Ram Resident of Village Balipur, P.S. Bhagwanpur, District Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-10-2015

Supplementary-Affidavit filed today on behalf of the
Petitioners be kept on record.

The Petitioners seek quashing of the order of
cognizance dated 04.08.2011 passed by the Judicial
Magistrate, 1st Class, Kaimur at Bhabhua in Complaint Case
No. 1506 of 2010.

The case of the Complainant is that she was owner
of a certain piece of land which was settled in her favour after
which she was in possession of the same. However, the
accused persons used to disturb her possession and on the
date of occurrence they abused and assaulted her and took
away crops of Rs. 10,000/-

It has been submitted on behalf of the Petitioners
that initially a First Information Report was instituted in this

regard but final report was submitted and cognizance was taken on protest petition. Fact of the matter is that there was land dispute between the parties for which Title Suit No. 114 of 2008 is also pending before Additional Munsif-IV, Bhabhua. In this background, evidently, the allegation against the Petitioners of having assaulted and abused her appears to be trumped up.

On the other hand, learned Counsel for the Complainant submits that she is in rightful possession of the land of the Petitioners and they had no right to disturb her possession.

Having considered the background facts, I would be inclined to hold that the present Complaint is frivolous and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 04.08.2011 passed by the Judicial Magistrate, 1st Class, Kaimur at Bhabhua in Complaint Case No. 1506 of 2010 is, hereby, set aside.

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

Vikash/-

(Anjana Prakash, J.)

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