

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33938 of 2012

Arising Out of PS.Case No. -1235 Year- 2008 Thana -null District- PATNA

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1. Awadhesh Singh @ Awadhesh Kumar Singh
 2. Pawan Singh@Pawan Kumar Singh.
 3. Mahesh Chaudhary son of Jitendra Chaudhary.
 4. Suresh Ram son of Late Bikhari Ram.
 5. Panchu Pandit son of late Dukhhanan Pandit All resident of village Jagdishpur P.O. Neura P.S. Bihta District Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Ashok Kumar Giri son of Shri Ram Swarup Giri resident of village Jagdishpur P.O. Neura P.S. Bihta District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The petitioners seek quashing of the order dated 25.07.2012 passed by the Judicial Magistrate 1st Class, Danapur in Complaint Case No. 1235C of 2008 by which he has rejected the petition for discharge.

In the nature of allegation notices have been issued to the Opposite Party no. 2 but none appears on his behalf.

The case of the complainant is that he was the title holder of a certain piece of land upon which he had sown wheat crops. However, on the date of occurrence the accused persons came upon his land and forcibly ploughed the same and caused a loss of Rs. 10,000/-. A proceeding under Section 107 Cr. P.C. was also initiated against the

complainant for the same.

It has been submitted on behalf of the petitioners that the fact of the matter is that the land belongs to Lal Dhani Singh who had executed the deed of Tamliknama/settlement in favour of Sri Narwadeshwar Mahadeoji. In the said deed it was specifically mentioned that Kedar Singh and Bharat Singh would look after the affairs of the temple after the death of Lal Dhani Singh. The Petitioners no. 1 and 2, after the death of Bharat Singh and Kedar Singh, being the legal heirs, took peaceful possession of the said land and started paying rent to the Government. However, the present complaint was instituted by the complainant so as to assert his right, title and possession over the said land. For the same dispute U/s 107 Cr.P.C was also initiated against the complainant. It was subsequently dropped.

Considering the factual aspect of the matter, in the background of dispute, the application stands allowed. The order dated 25.07.2012 passed by the Judicial Magistrate 1st Class, Danapur in Complaint Case No. 1235C of 2008 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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