

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44051 of 2012

Arising Out of PS.Case No. -555 Year- 2012 Thana -null District- BHABHUA (KAIMUR)

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1. Ram Chandra Sah S/O Late Ramkrit Sah
2. Prabha Devi W/O Ram Chandra Sah
3. Sanjay Sah S/O Ram Chandra Sah, all R/O Village- Basantpur, Police Station- Bhagwanpur, District- Kaimur (Bhabhua), Bihar Presently Residing At Bhabhua Ward No. 6, Gandhi Nagar, Akata Chauk, Police Station- Bhabhua, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rita Devi W/O Kanhaiya Prasad R/O Village- Basantpur, Police Station- Bhagwanpur, District- Kaimur (Bhabua), Bihar Presently Residing At Bhabua Ward No. 6, Gandhi Nagar, Akata Chauk, Police Station- Bhabua, District- Kaimur (Bhabua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K. Garg, Advocate
For the Opposite Party/s : Mr. Arbind Kr. Pandey, APP
For Opposite Party No.2 : Mr. Uday Pratap Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioners seek quashing of the order of cognizance dated 18.8.2012 passed by the Judicial Magistrate, 1st class, Bhabua in Complaint case No.555 of 2012 (Trial No.3118 of 2012).

The case of the Complainant is that on the date of occurrence while she was cooking in her house, the accused persons and some unknown persons entered therein and started to threaten and intimidate her for vacating the house. She and her husband were also beaten up by the accused persons who forcibly took the signature of her husband on blank paper. They committed theft of her personal property.

It has been submitted on behalf of the Petitioners that the

Petitioners No.1 and 2 are elder brother-in-law (Jeth) and sister-in-law (Jethani) of the Complainant and the Petitioner No.3 is their son. There is some land dispute going on between them since the family settlement, which was entered into between the parties, was not adhered to by the Complainant. It was for this dispute that the present Complaint was filed with ulterior motive.

The Petitioners undertake that they will not act in any manner which is detrimental to the interest of the Complainant or her husband.

On the other hand, the Counsel for the Complainant submits that even though the relationship be admitted but that does not give them licence to act in the manner they did.

Considering the background facts as also the factum of land dispute between the parties, who are close family members, the application is allowed and the order of cognizance dated 18.8.2012 passed by the Judicial Magistrate, 1st class, Bhabua in Complaint case No.555 of 2012 (Trial No.3118 of 2012) is hereby set aside.

However, this order shall not give undue advantage to any party. The Petitioners are directed not to in any manner coerce the Complainant or her husband to withdraw the Title Suit.

(Anjana Prakash, J)

Narendra/-

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