

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49080 of 2012

Arising Out Complaint Case No.1761 Year- 2011

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Ahmad Ali Ansari, S/O Late Noor Mohamed Mia, R/O Village- Thepha Raja Ram,
Masjid Tola, P.S.- Ziradair, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sita Devi W/O Ramakant Singh Kushwaha R/O Village- Thepha Raja Ram,
P.S.- Ziradai, District- Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
Mr. Niraj Kumar, Adv.
Mr. K.K. Singh, Adv.
For the State : Mr. Jagdhar Pd., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance
dated 28.2.2012 passed by the Judicial Magistrate, Siwan, in Trial No.
3718 of 2012 arising out of Complaint Case No. 1761 of 2011.

The case of the Complainant is that on the pretext of
getting her free medical treatment by the Doctor, the Petitioners got
executed a sale deed in respect of her land.

It has been submitted on behalf of the Petitioners that fact
of the matter is that the Complainant had come to the Petitioner with
the proposal that he shall pay her Rs.40,000/- and it was with full

consent that the sale deed was executed. The Petitioner has been in possession of the said land since then and hence, no case of cheating is made out.

In such circumstances, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the nature of allegation, I would be inclined to accept the submission so raised on behalf of the Petitioners.

Hence, the application is allowed and the Proceeding including the order dated 28.2.2012 passed by the Judicial Magistrate, Siwan, in connection with Trial No. 3718 of 2012, arising out of Complaint Case No. 1761 of 2011 is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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