

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 33440 of 2012

Arising out of P.S. Case No. -2090 Year- 2009 Thana -null
District- BHAGALPUR

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Pramod Kumar Mishra S/o Late Balgovind Mishra Gobind Bhawan,
Mohalla- Shyambagh, P.O. And P.S.- Sultanganj, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anil Thakur S/o Late Narayan Thakur Resident of Village-
Rangra, P.S.- Gopalpur, District- Bhagalpur at Present Residing
At Govind Bhavan (Back Side of The Building at Upper Floor)
Mohalla - Shyambag, P.O. & Ps.- Sultanganj, District-
Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

The Petitioner seeks quashing of the entire
proceeding including the order of cognizance dated
19.04.2011 passed by the Judicial Magistrate, 1st Class,
Bhagalpur in Complaint Case No. 2090 of 2009.

The case of the Informant is that there was a
transaction of sale of a certain piece of land but the
accused persons did not execute the same and, hence,
the present Complaint.

It has been submitted on behalf of the Petitioner
that in the facts of the case at best a civil dispute is made
out and the Complainant has already approached the

Civil Court by way of suit for specific performance in which the Petitioner has appeared.

On the other hand, Counsel for the Complainant submits that the intention of the accused persons was to cheat the Petitioners and, hence, they should be prosecuted.

Having considered the nature of allegations, I have no manner of doubt that in the facts of the case at best a civil dispute is made out and evidently the present Complaint is a multiplicity of proceedings.

Hence, the entire proceeding including the order of cognizance dated 19.04.2011 passed by the Judicial Magistrate, 1st Class, Bhgalpur in Complaint Case No. 2090 of 2009 is, hereby, set aside.

The Application stands allowed.

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

Vikash/-

(Anjana Prakash, J.)

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