

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50580 of 2012

Arising Out of Complaint Case No. 412(C) Year- 2012 District- - Patna.

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1. Manti Devi W/O Ramavatar Chauhan Resident Of Village- Kajichak, Beldari Tola, P.S- Bhadaur, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ramasish Pd. Yadav, son of late Mahabir Prasad Yadav, r/o Budhauddin Chak, Barh, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.P. Sinha, Adv.

For the State : Mr. Navin Kr. Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

No one appears on behalf of the Petitioner

The Petitioner seeks quashing of the order of cognizance dated 28.6.2012 passed by the Sub Divisional Judicial Magistrate, Patna, in Complaint Case No. 412C of 2012.

The Case of the Complainant is that one Smt. Kanchan Devi had a house which she wanted to sell to the Complainant. She received the full payment and on 7.10.2011 executed a sale deed after which he came in possession of the same. In the said house the Petitioner also used to reside as a tenant. On 30.5.2012 when he went to take rent, they refused saying that they had purchased the house from Smt. Kumud Shrivastava, the mother-in-law of Kanchan Devi.

He evidently felt that a fraud had been committed with him and hence, he filed the present Complaint but surprisingly not against Kanchan Devi and merely against the Petitioners.

Considering that the Petitioners lay legal claim over the said premises and essentially a civil dispute is made out in the facts of the case, the application is allowed and the Proceeding including the order of cognizance dated 28.6.2012 passed by the Sub Divisional Judicial Magistrate, Patna, in Complaint Case No. 412C of 2012 against both the accused persons is hereby set aside.

S.Ali/-

(Anjana Prakash, J)

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