

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14085 of 2011

Arising Out of PS.Case No. -8 Year- 2010 Thana Sherghati Gurua, District- GAYA

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1. Savita Devi, W/O Late Ramkaran Singh
 2. Savita Devi, W/O Shri Rampukar Singh
 3. Sudhir Kumar Singh, S/O Shri Kapildeo Singh
 4. Bindu Devi @ Bindumati Devi, W/O Late Ramnagina Singh
 5. Lalan Singh, S/O Late Rajaram Singh
 6. Ashok Kr. Singh @ Prof. Ashok Singh, S/O Late Rajaram Singh
 7. Ramadhar Singh, S/O Late Kameshwar Singh
- All are R/O Village - Kanaudi, Police Station - Gurua, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anandi Singh, son of late Baban Singh, resident of village Kanaudi, P.S. Gurua, Distt. Gaya.

.... 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: 02-02-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 14.12.2010 passed by the Judicial Magistrate, 1st Class, Sherghati, Distt. Gaya, in Sherghati Gurua P.S. Case No. 08 of 2010.

The case of the Informant is that he was in possession of a certain piece of land which was sold by the Petitioners No. 1 and 2 to the Petitioner No. 4 where the Petitioner No. 3 is an identifier.

It has been submitted on behalf of the Petitioners that the Informant had purposely suppressed the fact that they belong to

the same branch and the Petitioners No. 1 and 2 had come in ownership of the land which they had sold and, therefore, they committed no wrong. Further, the Informant has already filed a Civil Suit for cancellation of the sale deed and if at all it is found that the sale deed was without proper authority, the Civil Court will pass necessary orders.

On the other hand, the counsel for the Informant submits that the Petitioners are wrongly submitting that the Petitioners No. 1 and 2 are in agnatic relationship with the Informant and in fact, they are outsiders who had no authority to sell the Informant's land.

In my opinion, the crux of the dispute revolves around a civil claim, and hence a Criminal Proceeding would be a gross abuse of the process of the Court.

Hence, the application is allowed and the order of cognizance dated 14.12.2010 passed by the Judicial Magistrate, 1st Class, Sherghati, Distt. Gaya, in Sherghati Gurua P.S. Case No. 08 of 2010 is hereby set aside.

However, the quashment of present proceeding shall have no bearing on the civil suit.

(Anjana Prakash, J)

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