

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7087 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- GOPALGANJ

- =====
1. Upendra Nath Upadhyay.
 2. Om Prakash Upadhyay
 3. Dinanath Upadhyay
 4. Bipin Bihari Upadhyay.
 5. Ram Kumar Upadhyay
 6. Arvind Kumar Prasad.
 7. Anjay Kumar Prasad.

.... Petitioner/s

Versus

1. State of Bihar.
2. Sri Prithwi Nath Upadhyay

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The petitioners seek quashing of the order dated 15.12.2009 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 123 of 2009, Tr. No. 1677 of 2010.

The case of the complainant is that he was co-sharer of 1/3rd of the joint family property and likewise the accused were also co-sharer of 1/3rd of the joint share property. However, the accused persons started asserting their rights over more than their share and executed forged sale deeds in regard to the same land.

It has been submitted on behalf of the petitioners that evidently in the facts of the case a civil dispute is made out for which

a first appeal is pending.

The complainant submits that since the petitioners prepared forged sale deed they should be put on trial.

Having considered the facts of the case, the application is allowed and the order dated 15.12.2009 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 123 of 2009 Tr. No. 1677 of 2010 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--