

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 25643 of 2012

Arising out of P.S. Case No. -2343 Year- 2006 Thana -null
District- EASTCHAMPARAN(MOTIHARI)

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1. Parmanand Thakur S/o Late Ram Vilash Thakur Resident of Village Mishra Tola, P.S. Harsidhi, District East Champaran.
 2. Nawal Kishore Thakur @ Nawal Thakur S/o Late Ram Vilash Thakur Resident of Village Mishra Tola, P.S. Harsidhi, District East Champaran.
 3. Raghunath Thakur S/o Late Ram Vilash Thakur Resident of Village Mishra Tola, P.S. Harsidhi, District East Champaran.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Anil Singh S/o Ramyan Singh Resident of Village Barmaswa, P.S. Harsidhi, District East Champaran.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. B. K. Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-11-2015

The Petitioners seek quashing of the order of cognizance dated 25.01.2012 passed by the Judicial Magistrate, 1st Class, Sadar Motihari in Complaint Case No. C-2343 of 2006 (Tr. No. 742 of 2011).

The case of the Complainant is that his grandfather had purchased a certain piece of land and was in peaceful possession which he inherited. However, the accused persons No. 1, 2 and 3 started pressurizing the Complainant and his father to execute the sale deed to which they agreed for a certain area of land. However, later on the accused started laying a claim upon the said land on the basis of a forged sale deed and, hence, the

present case was instituted.

It has been submitted on behalf of the Petitioners that facts have been manipulated to cover up the misdeed of the Complainant and in fact it was the Complainant who was playing a fraud upon the Petitioners. For this reason, a Title Suit was also filed which is still pending. In these circumstances, evidently, the dispute is merely of civil dispute the proceeding should be quashed.

On the last occasion notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the facts of the Complaint Petition, I would be inclined to agree with the submission so raised on behalf of the Petitioners.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 25.01.2012 passed by the Judicial Magistrate, 1st Class, Sadar Motihari in Complaint Case No. C-2343 of 2006 (Tr. No. 742 of 2011) is, hereby, set aside without prejudice of the right of the parties.

The Application stands allowed.

(Anjana Prakash, J.)

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