

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30812 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

1. Manju Devi wife of Uday Shankar Prasad.
2. Uday Shankar Prasad son of Late Ram Bilash Sah.

.... Petitioner/s

Versus

1. State of Bihar.
2. Naga Mahto son of Late Badri Mahto.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dronacharya, Adv.

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

No one appears on behalf of the O.P. No. 2 on repeated dates.

The petitioners seek quashing of the order of cognizance dated 09.05.2007 passed by the Chief Judicial Magistrate first Class in Complaint Case No. 1443 C of 2006.

The case of the prosecution is that the petitioners negotiated with him to sell their lands on account of which the complainant paid certain amount to them. Later they refused to execute the sale deed and when the local Panchayat was called they demanded extra money for execution of the sale deed.

It has been submitted on behalf of the petitioners that the complaint is false and fabricated and in fact has been filed to put pressure upon the petitioners to compromise the Title Suit No. 183 of 2006 filed by the Petitioner no. 1 for the same cause of action. In fact

the petitioners having come to know of the claim of the complainant that a sale deed had been executed in his favour they started agitating before the police authority who enquire and on 23.07.2006 found the claim to be false. It is to rescue himself from action that then this complaint was filed

Having considered the aforesaid, the application is allowed and the order of cognizance dated 09.05.2007 passed by the Chief Judicial Magistrate 1st Class in Complaint Case No. 1443 C of 2006 is hereby quashed.

(Anjana Prakash, J)

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