

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9937 of 2012

Arising Out of Complaint Case No. -785(C) Year- 2010 District- PATNA

=====

Dilip Kumar S/O Late Chhote Lal Singh Resident Of Bakerganj, P.S.- Kadamkuan,
District- Patna

.... Petitioner

Versus

1.The State of Bihar
2.Laxminia Devi, W/O Late Tetar Ram, Village-Kora, P.S. Naubatpur, Dist.-Patna

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

The petitioner seeks quashing of the order of cognizance dated 18.11.2010 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 785 (C) of 2010.

The case of the complainant is that she was the owner of a certain piece of land. On the date of occurrence the accused no. 1 came to her and stated that she would get old age pension and got photographs purportedly for the said purpose. Later on the accused persons used the photograph and her thumb impressions for execution of the sale deed in respect to her lands.

It has been submitted that even taking the complaint as a whole since the allegation against the petitioner is only to the extent that he drafted the sale deed and not he misrepresented and induced

her to sign on the same or converted her signatures on the document
no offence is made out as against him.

Notice had been issued on opposite party no. 2 but none
appears on her behalf.

Having considered the facts aforesaid, I am inclined to
agree with the submission so raised.

Hence, the application is allowed including the order of
cognizance dated 18.11.2010 passed by the Judicial Magistrate 1st
Class, Patna in Complaint Case No. 785 (C) of 2010 is hereby set
aside so far as the petitioner is concerned.

(Anjana Prakash, J.)

Vats/-

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