

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.31227 of 2011**

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

- =====
1. Sharif Sarkar Son Of Late Daud Biahwas Village Sindhiya, Dilli Diwanganj, Police Station Amdabad District Katihar
  2. Deo Narayan Yadav Son Of Late Rasu Yadav Village Dakra, Police Station Amdabad, District Katihar
  3. Deepak Kumar Tanti @ Deep Narayan Prasad Tanti Son Of Late Shankar Mistry Village Chitabari, Anchal Amdabad, District Katihar

.... .... Petitioner/s

Versus

1. The State Of Bihar .
2. Kanhai Mandal Son Of Late Ghhedhi Mandal Village Dilli Diwanganj, Police Station Amdabad District Katihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ratnakar Ambastha, Adv.  
Mr. Rajendra Pd. Sah, Adv.  
For the State : Md. Ansarul Haque, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 20-03-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 7.3.2011 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Katihar, in Complaint Case No. C.A. 2210 of 2010

The case of the Informant is that the accused persons have mutated a certain piece of lands which allegedly belonged to him in favour the co-accused on the basis of any fake sale deed.

The submission of the Petitioner is that the Complainant had filed Mutation Appeal No. 33 of 2010 which was

dismissed by the L.R.D.C. Katihar on 2.2.2011. When evidently, the entire dispute centers around the mutation which was allegedly illegal and the same has been upheld by a Court of competent jurisdiction, the present Complaint for the same cause of action is unjustified.

On the other hand, the counsel for the Complainant submits that even though the land has always been is his, the accused persons have got their names wrongly mutated.

Having considered the submissions raised on behalf of the rival Parties, I find that the dispute with regard to the mutation has already been laid to rest by LRDC and, hence, there is no justification for continuation of the present Complaint when essentially no criminal offence is made out.

Hence, the application is allowed and the entire Proceeding including the order of cognizance dated 7.3.2011 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Katihar, in Complaint Case No. C.A. 2210 of 2010 is hereby set aside.

**(Anjana Prakash, J)**

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