

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5101 of 2010

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

Raghunath Sharan Singh S/O Late Rajkeshwar Singh R/O Vill.- Pakeri Vishaulia,
P.S.- Gaunaha, Distt.- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Manju Devi W/O Nagina Prasad R/O Vill.- Narkatiaganj, P.S.- Shikarpur,
Distt.- West Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishore Mishra, Adv.
For the State : Mr. R.B. Roy Raman, APP
For the Opposite Party/s : Mr. Pathak Dhananjay Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 14.10.2009 passed by the Chief Judicial Magistrate, Bettiah in Complaint Case No. 3132C of 2008.

The case of the complainant is that the petitioner was a big landlord having land all over the place. She contacted him with regard to sale of a certain piece of land which was supposedly owned by him. Later on she learnt that the land did not belong to the accused persons at which she contacted them. The petitioner promised to return the amount but he did not do so and hence the present complaint.

It has been submitted on behalf of the petitioner that the fact is that in course of transaction the complainant started demanding extra

land and had instituted the present case without any substantive proof. Even conceding the allegations in the present complaint, no criminal offence is made out.

The complainant submits that since the petitioner had executed sale deeds appertaining to lands which did not belong to him, he should be put on trial.

Having considered the civil nature of dispute, the application is allowed without prejudice to the rights of the parties and the order of cognizance dated 14.10.2009 passed by the Chief Judicial Magistrate, Bettiah in Complaint Case No. 3132C of 2008 is hereby set aside.

(Anjana Prakash, J)

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