

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23473 of 2012

Arising Out of Complaint Case No. C-20/2012 P.S. & District- NAWADA

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1. Sanju Devi, W/O Shailendra Kumar
2. Shailendra Kumar, S/O Lakhan Lal Gupta, Both are residents of Purani Bazar,
Police Station - Nawadah, in the District of Nawadah

.... Petitioners

Versus

1. The State of Bihar
2. Md. Mokhtar Quarashi, S/O Late Haji Abdul Shakur, R/O Mohalla - Mirzapur,
Hat Part, Police Station - Nawadah in the District of Nawadah

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The Petitioners seek quashing of the order of cognizance dated 17.04.2012 passed by the Judicial Magistrate 1st Class, Nawadah in Complaint Case No. C-20 of 2012.

The case of the complainant is that he along with his helper had entered into an agreement with the petitioner no. 1 for purchasing a certain piece of land on a fixed consideration amount. However, despite the agreement the sale deed was not executed.

It has been submitted on behalf of the petitioners that even considering the allegations in the complaint case no criminal offence is made out and at best it would be appropriate for the complainant to

file a suit for specific performance.

Notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having gone through the contents of the complaint petition reproduced above and the submissions raised on behalf of the petitioners, the application is allowed and the proceeding of the order of cognizance dated 17.04.2012 passed by the Judicial Magistrate 1st Class, Nawadah in Complaint Case No. C-20 of 2012 is set aside.

However, the quashment of the present proceeding shall have no bearing on any other claims.

The Application stands allowed.

(Anjana Prakash, J.)

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