

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48061 of 2012

Arising Out of PS.Case No. -1002 Year- 2010 Thana -null District- AURANGABAD

Virendra Dubey @ Birendra Kumar Dubey son of Late Sri Hausla Prasad Dubey
.... Petitioner/s

Versus

1. State of Bihar.
2. Sandhya Ojha wife of Anand Kumar Ojha
.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Dixit, Adv.
For the State : Mr. Indivar Kumari, APP
For the O.P. No. 2 : Mr. R.R. Tiwari, Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

The petitioner seeks quashing of the order of cognizance dated 08.09.2011 passed in Complaint Case No. 1002 of 2010 Tr. No. 2204 of 2012 by the Judicial Magistrate 1st Class, Aurangabad.

The case of the complainant is that her father sold out a piece of property to the petitioner but did not pay her share.

It has been submitted on behalf of the petitioner that allegation is against the father who sold out the property and the petitioner who is buyer should not be unnecessarily prosecuted.

On the other hand complainant submits that since the petitioner purchased the property without settling the family dispute he should be put on trial.

Considering that the petitioner has no role in the dispute between the father and the daughter, the application is allowed so far

as the petitioner is concerned and the order of cognizance dated 08.09.2011 passed in Complaint Case No. 1002 of 2010, Tr. No. 2204 of 2012 by the Judicial Magistrate 1st Class, Aurangabad, is hereby set aside.

(Anjana Prakash, J)

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