

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41401 of 2011

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

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1. Hari Mohan Prasad @ Rajesh Kumar S/O Sri Satyanarayan Prasad Resident Of Village- Raja Bazar , P.S.- Shastrinagar, Distt.- Patna
 2. Satyanarayan Prasad S/O Late Bharat Prasad Resident Of Village- Raja Bazar , P.S.- Shastrinagar, Distt.- Patna
 3. Mundirka Prasad S/O Late Raghuwar Prasad Resident Of Village- Bhetnary College Gali, Raza Bazar Salempur Dumra, P.S.- Hawaii Adda, District- Patna.
 4. Arun Thakur S/O Fauzadar Thakur Resident Of Village- Bhetnary College Gali, Raza Bazar Salempur Dumra, P.S.- Hawaii Adda, District- Patna.
 5. Sanju Devi W/O Arun Thakur Resident Of Village- Bhetnary College Gali, Raza Bazar Salempur Dumra, P.S.- Hawaii Adda, District- Patna.
 6. Shankar Thakur S/O Ramawatar Thakur Resident Of Village- Bhetnary College Gali, Raza Bazar Salempur Dumra, P.S.- Hawaii Adda, District- Patna.
 7. Umesh Thakur S/O Ramawatar Thakur Resident Of Village- Bhetnary College Gali, Raza Bazar Salempur Dumra, P.S.- Hawaii Adda, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rameshwar Prasad Chaurshiya S/O Late Ramlagan Sao Resident Of Village- Raja B

.... Opposite Party/s

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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: 20-04-2015

The petitioners seek quashing of the order of cognizance dated 21.04.2011 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 201C of 2011.

The case of the complainant is that he had purchased a certain piece of land and had come in possession of the same. However, the petitioners executed a sale-deed by changing the particulars of the land and started claiming title over the same. When the complainant went to ask for an explanation he was assaulted and hence the present complaint.

It has been submitted on behalf of the petitioners that there is bonafide land dispute between the parties on account of which apart from the present complaint, two cases have been filed on either side i.e. Case No. 157M of 2010 and Complaint Case No. 803 C of 2010. For the same cause of action a title suit has also been filed and it would be sensible if both the parties agree to sort out their differences in the civil Court. Petitioners submit that they have no objection if their complaint is also set aside.

Counsel for the complainant submits that since the petitioners had committed a criminal offence, they should be prosecuted.

Having gone through the narrative of the complaint petition, I would be inclined to hold that in the facts stated therein, at best a civil dispute is made out for redressal of which the parties are already before the Civil Court.

Having considered the submissions, the application is allowed and the order of cognizance dated 21.04.2011 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 201C of 2011 as also Case No. 157M of 2010 and Complaint Case No. 803 C of 2010, are hereby quashed. However this order shall not prejudice the civil proceedings.

(Anjana Prakash, J)

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