

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35125 of 2010

Arising Out of PS.Case No. -586 Year- 1998 Thana -null District- GOPALGANJ

Nakched Bhagat @ Chhedi Bhagat son of late Ramjash Bhagat, resident of village Ranipur, P.S. Vijayipur, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Suresh Singh @ Suresh Kumar Singh, son of Rajendra Singh, R/o village Bhore, P.S. Bhore, District Gopalganj

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate

For the Opposite Party/s : Mr. Amrendra Pd., APP

For Opposite Party No.2 : None

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The Petitioner seeks quashing of the order of framing of charge passed by the court of the Judicial Magistrate, Gopalganj in Complaint case No.586 of 1998 (Trial No.2061 of 2010).

The case of the Complainant is that even while he was the rightful owner in possession of certain piece of land, the accused persons came thereupon and committed theft of bundles of Arhar crops amounting to Rs.1000/-.

It has been submitted that fact of the matter is that it was the accused persons who were the title holders of the said land and in fact at one point in time a Title Suit was filed by the Complainant which was adjudicated by a court of competent jurisdiction and thereafter dismissed. Despite the same the Complainant has been

agitating and creating disturbance in possession of the Petitioner by filing such frivolous Complaints.

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

Having gone through the facts of the case and the period of pendency of the Complaint, I would be inclined to hold that it is a gross abuse of the process of the Court.

Hence, the application is allowed and the proceeding including the order of framing of charge passed by the court of the Judicial Magistrate, Gopalganj in Complaint case No.586 of 1998 (Trial No.2061 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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