

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23722 of 2012

Arising Out of PS.Case No. -893 Year- 2010 Thana -null District- JAMUI

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1. Om Prakash Mistry S/O Govind Mistry
2. Rita Devi W/O Om Prakash Mistry, both Residents Of Village And P.S. Sono,
District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. Malti Devi W/O Dindayal Sharma, Resident Of Village And P.S. Sono, District-
Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Jee, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

The Petitioners seek quashing of the order of cognizance dated 4.12.2010 passed by the Judicial Magistrate, 1st class, Jamui in Complaint case No.893C of 2010.

The case of the Complainant is that her father-in-law had bought certain piece of land, of which he was in possession but later on he sold part of it to the Petitioner No.1, his son, which was subsequently sold to one Munna Baranwal. Thereafter Munna Baranwal sold the said land to the Complainant. She constructed two 'pucca' rooms on the land. However, the accused persons taking advantage of her and her husband's absence in the village produced registry kewala in regard to the same piece of land and started

threatening them with eviction.

It has been submitted on behalf of the Petitioners that the parties belonged to the same family and there is apparently a dispute over property between them. The Petitioner No.2 had also filed Complaint case No.1083C of 2010 on 22.7.2010 before the Chief Judicial Magistrate, Jamui against the Complainant and others and it is on account of this reason that the present Complaint has been filed.

The Petitioners undertake that they will not disturb the possession of the Complainant in any manner since they are all family members and it would be in their interest that they should not create any difficulties for each other.

On such undertaking, the proceeding including the order of cognizance dated 4.12.2010 passed by the Judicial Magistrate, 1st class, Jamui in Complaint case No.893C of 2010 is hereby set aside. Also the proceeding of Complaint case No.1083C of 2010 pending before the Chief Judicial Magistrate, Jamui is hereby set aside.

Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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