

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32023 of 2008

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

Indrajeet Singh son of late Ramanand Singh resident of village Manguraha P.S.
Tariyani District Sheohar

.... Petitioner/s

Versus

1. State of Bihar.
2. Imam Hassan son of late Ali Hussain resident of village Manjhagarh district
Gopalganj.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-05-2015

The petitioner seeks quashing of the order of cognizance dated 25.08.2007 passed by the Judicial Magistrate, Gopalganj in Complaint Case No. 1801 of 2006, Tr. No. 2037 of 2008.

The case of the complainant is that the accused persons approached and developed contact with him. The accused 2 is said to be the sole heir of Manjhagarh Bazaar whereas the petitioner is alleged to be a property dealer at Muzaffarpur. The petitioner is said to have disclosed to the complainant that the accused no. 2 was willing to sell his property at which a transaction was entered into between them. Out of 58 persons 22 persons were given land whereas the rest were not given either the documents or the land. Under these circumstances the complaint was instituted against the petitioner who

was the middle man.

It has been submitted on behalf of the petitioner that even conceding the allegations in the complaint petition, no criminal offence is warranted.

On the last occasion notices had been issued to the O.P. No. 2 but none appears despite service of notice.

I am unable to convince myself that any ingredient of a criminal offence is perceptible in the facts noted above. In such circumstances, continuance of the present proceedings would be gross abuse of the process of the Court and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 25.08.2007 passed by the Judicial Magistrate, Gopalganj in Complaint Case No. 1801 of 2006 Tr. No. 2037 of 2008 is hereby quashed.

(Anjana Prakash, J)

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