

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8631 of 2009

Arising Out of Complaint Case No. 896 Year- 2007 District- SASARAM (ROHTAS)

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1. Om Prakash Singh, son of late Govind Dayal Singh
 2. Ram Keshi Kuer, wife of late Govind Dayal Singh
 3. Rameshwar Prasad Singh, son of Yugeshwari Singh
- All are residents of village Bhanpur, P.S. Dinara, Distt. Rohtas.
4. Ashok Kumar Sinha, son of Baban Lal, resident of village Saraiya, P.S. Dinara, Distt. Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manati Devi, wife of Sipahi Singh, resident of village kund, P.S. Dinara, Distt. Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Singh, Adv.
Mr. Rabindra Nath Singh, Adv.
For the State : Mr. J.S. Pd. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 10-07-2015

No one appears on behalf of the Opposite Party No. 2.

The Petitioners seek quashing of the order of cognizance date 2.1.2009 passed by the Judicial Magistrate, 1st Class, Bikramganj, Rohtas, in Complaint Case No. C-896 of 2007.

The case of the Complainant is that she was in possession of a certain piece of land which the Accused were handling on her behalf on 8.5.2007. When she shifted to her maternal home, she expressed her desire to manage her lands herself. At this, the accused persons got angry and started to raise a dispute with regard to area of lands. They also disclosed about execution of some sale deeds in their favour which was completely illegal. When she protested, the accused

persons tried to pacify her by assuming that she would be get some lands in exchange but they did not act. When she demanded an explanation, they got angry and misbehaved with her. It is for this reason that she filed the present case of cheating and forgery.

It has been submitted on behalf of the Petitioners that a Title Suit 70 of 1997 was disposed off on the basis of compromise dated 19.10.2006. However, later on, the Complainant felt that the compromise was not in her favour, she filed the present complaint to revive the old dispute. It is in such circumstances, the counsel for the Petitioners submits that the Complaint case is unwarranted and deserves to be set aside.

On going through the background facts, I am of the opinion that it is to translate a civil dispute into a criminal one, that the present complaint has been filed.

Since this should not be prosecuted, the application is allowed and the Proceeding including the order of cognizance dated 2.1.2009 passed by the Judicial Magistrate, 1st Class, Bikramganj, Rohtas, in Complaint Case No. C-896 of 2007, is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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