

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.417 of 2009

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

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1. Md.Taimur Ahmad Khan, son of late Firoz Ahmad Khan @ Pir Mohammad,
 2. Bibi Samida Khatoon, wife of Md. Taimur Ahmad Khan,
 3. Maulana Sabir Haidar Khan, son of Md. Taimur Ahmad Khan, &
 4. Tazadar Khan, son of Md. Taimur Ahmad Khan, all resident of village-Sahadeo Khap, P.O.+P.S.- Magadh University, Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar &
2. Mohammad Khamasuddin Khan, son of late Chirag Ali Khan, resident of village-Sahadeo Khap, P.O.+P.S.- Magadh University, Bodh Gaya, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate
Mr. N. A. Shamshi, Advocate
For the Opposite Party/s : Mr. Kumar Priya Ranjan, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

1. No one appears on behalf of the Opposite Party

No.2.

2. The Petitioners seek quashing of the order of cognizance dated 22.07.2008 passed by the Judicial Magistrate, 1st class, Gaya, in Complaint Case No.1535 of 2007/Tr. No.1437 of 2008.

3. The case of the Complainant is that he had married the daughter of the Petitioner No.1 and 2 and sister of Petitioner Nos.3 and 4 and in course of relation they demanded a sum of ₹50,000/- for executing the Sale Deed. However, they executed a Sale Deed worth ₹31,000/-. They also took some loan from him on

the plea that they would execute some Sale Deed but they did not do so and hence, cheated him. They also threatened him of dire consequences.

4. It has been submitted on behalf of the Petitioners that fact of the matter is that Complainant has been repeatedly filing Complaint Petitions against the Petitioners on frivolous charges. For this reason, the Petitioners had complained before the police authorities so as to stop him from doing this illegal act. However, even on perusal of the Complaint Petition no criminal offence would be made out. If, at all, there is any dispute, it is financial in nature. The allegations with regard to threat etc are merely embellishment.

5. Having considered the nature of relationship as also the transaction, the order of cognizance dated 22.07.2008 passed by the Judicial Magistrate, 1st class, Gaya, in Complaint Case No.1535 of 2007/Tr. No.1437 of 2008 is hereby set aside.

6. The application stands allowed.

7. However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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