

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43815 of 2011

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Shashi Kant Sharma S/O Sri Ramprvesh Sharma R/O Vill.- Pitwans, P.S.-
Naubatpur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sheodeep Sharma S/O Dev Narayan Singh Resident Of Sabalpura, P.S.-
Bikram, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

8 17-03-2015 The petitioner seeks quashing of the order dated

06.01.1993 passed by the Additional Chief Judicial Magistrate,

Danapur in G.R. No. 1834 of 1990 arising out of Bikram P.S. Case

No. 275 of 1990.

The case of the complainant is that after the death of his

father all the ancestral properties were partitioned amongst the

sons and the mother was given one acre and nine decimal of land.

After the partition, the complainant got his name mutated.

However, some dispute arouse with the mother who later died.

When the complainant reached the village after death of his

mother, he learnt that his mother had transferred her share of land

by two registered gift deeds. Thereafter he got copy of the

certificate from the Registry Office and found the rumour correct.

Thereafter an FIR was lodged initially which was investigated and final report was submitted on the ground that a civil dispute is made out in the facts of the case. However, Magistrate disagreeing with the final report took cognizance.

In the facts stated above, I would also agree with the opinion of the police. Hence the application is allowed and the order dated 06.01.1993 passed by the Additional Chief Judicial Magistrate, Danapur in G.R. No. 1834 of 1990 arising out of Bikram P.S. Case No. 275 of 1990, is hereby set aside.

(Anjana Prakash, J)

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