

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7686 of 2010

Arising Out of PS.Case No. 592 Year- 2007 Thana -null District- SUPAUL

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Kala Nand Mishra son of late Dayanand Mishra, resident of village Belshandi,
Police Station Narpatganj, Distt. Arariya

.... Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Sah S/o late Jagdeo Sah, vill. Karliahna (Karahliana), P.O. Surpatganj,
P.S. Chhatapur, Dist. Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu SN.Singh, Advocate

For the Opposite Party/s : Mr. G.C. Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

The Petitioner seeks quashing of the criminal proceeding of Supaul P.S. case No.178 of 2007 dated 19.7.2007 arising out of Complaint case No.244C of 2008, in which cognizance was taken subsequently by the Sub Divisional Judicial Magistrate, Supaul by order dated 11.7.2008.

The case of the Complainant is that a sale deed was prepared fraudulently in favour of the Petitioner by one Savitri Devi, who was stranger to the land.

It has been submitted on behalf of the Petitioner that initially a First Information Report was instituted in this regard and after due investigation final report was submitted. However a protest petition was filed which was treated as a Complaint and cognizance

was taken.

On a fair perusal of the contents of the Complaint Petition, I have no manner of doubt in concluding that in facts stated therein at best a civil dispute is made out and hence the criminal prosecution is unwarranted. Hence, the application is allowed and criminal proceeding of Supaul P.S. case No.178 of 2007 dated 19.7.2007 arising out of Complaint case No.244C of 2008, in which cognizance was taken subsequently by the Sub Divisional Judicial Magistrate, Supaul by order dated 11.7.2008 without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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