

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 50778 of 2014

Arising out of P.S. Case No. -2128 Year- 2013 Thana -
BEGUSARAI COMPLAINT CSAE District- BEGUSARAI

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1. Khairun Nisha wife of Late Soaib.
 2. Israt Khatoon @ Iflat @ Israt Praveen Wife of Md. Obais.
 3. Ajrabi Khatoon Daughter of Late Soaib.
 4. Sitara Khatoon Daughter of Late Soaib.
 5. Ahmadi Khatoon Daughter of Late Soaib.
 6. Md. Obais son of Late Soaib All residents of Village- Mubarakpur,
P.S. Birpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Shamim son of Md. Rizwan, Resident of Village-
Mobarakpur, Hasanpur, P.S. Birpur, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar Gautam, Adv.
For the Opposite Party/s : Mr. R.B. Roy "Raman" APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-05-2015

The Petitioners seek quashing of the order of
cognizance dated 18.11.2014 passed by the Judicial
Magistrate, 1st Class, Begusarai in Complaint Case No.
2128C of 2013.

The case of the Complainant is that on the date
of occurrence a dispute arose on account of catching of
hens. In course of this a fight escalated after which the
accused persons committed theft of his house-hold
articles.

It has been submitted on behalf of the

Petitioners that the parties are agnates and belong to the same family. There are series of such minor cases between them. Evidently, the present Complaint having been filed after three of such trivial complaints in which all the witnesses are the same demonstrates that the Complaint is frivolous.

On the other hand, Counsel for the Complainant submits that even conceding the relationship and the land litigation but since the Petitioners had acted in high-handed manner they should be put on trial.

Having considered the rival submissions, I would be inclined to hold that the present Complaint is frivolous in nature and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 18.11.2014 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2128C of 2013 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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