

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28067 of 2012

Arising out of P.S. Case No. -287 Year- 2010 Thana -Town
District- BEGUSARAI

- =====
1. Vidya Devi W/o Late Hare Ram Singh Resident of Village- Maheshwara, P.S- Naw Kothi, District- Begusarai.
 2. Priti Devi W/o Bablu Singh Resident of Village- Maheshwara, P.S- Naw Kothi, District- Begusarai.
 3. Gajendra Singh S/o Late Ram Pertap Singh Resident of Village- Ratanpur, P.S- Begusarai Town, District- Begusarai.
 4. Arbind Kumar Singh S/o Late Sahdeo Singh Resident of Village- Maheshwara, P.S- Naw Kothi, District- Begusarai.
 5. Ruban Singh S/o Dhako Singh Resident of Village- Ratanpur, P.S- Begusarai, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. P. Manbansh, Adv.

For the Opposite Party/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.

For the State : Mr. R. B. Roy "Raman" APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 26.11.2010 passed by the Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case No. 287 of 2010 (G.R. No. 2018 of 2010).

The case of the Informant is that the Accused No. 1 had sold off his land to Accused No. 4 even though this land belonged to him in which document the other accused persons were witnesses.

The submission of the Petitioners is that they are the agnates of the informant and they had the bona fide right and title over the land in question. In fact, Title

Suit No. 243 of 2010 has been filed in the Court of Sub-Judge, Begusarai for declaration that the sale-deed in question executed by Vidya Devi is forged and fabricated. The Petitioners No. 1 and 2 have appeared there and filed the written statement. Also in the facts of the case no criminal offence is made out.

On the other hand, the Counsel for the Informant submits that since his sale-deed of lands has been executed by the Petitioners which did not belong to them they should be put on trial.

Having considered that the Petitioners lay bona fide right over the said land and for the same cause of action a Title Suit is pending evidently, this Complaint with frivolous charges deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 26.11.2010 passed by the Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case No. 287 of 2010 (G.R. No. 2018 of 2010) is, hereby, set aside.

The Application stands allowed.

However, the quashment of the present proceedings shall have no bearing on any other claims.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--