

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 10136 of 2013**

Arising Out of PS.Case No. -305 Year- 2010 Thana -BHAGALPUR COMPLAINT CASE District- -

1. Dinmani Das son of late Nakul Das.
2. Sailendra Ram @ Biyasdeo Das
3. Adhik Lal Das son of Singeswar Das.
4. Santosh Kumar Das son of Dinamani Das.

.... .... Petitioner/s

Versus

1. State of Bihar.
2. Pramila Devi W/o Shyam Sundar Das

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. R.R. Singh, Adv.

For the Opposite Party/s : Mr. C. Jawahar, App

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 15-09-2015**

No one appears on behalf of the O.P. No. 2.

The petitioners seek quashing of the order of cognizance dated 08.08.2012 passed by the 1<sup>st</sup> Class Magistrate, Bhagalpur in Complaint Case No. 305 of 2010.

The case of the complainant is that on the date of occurrence the accused persons entered and started to ransack her house and hence the present complaint.

It has been submitted on behalf of the petitioners that fact of the matter is that earlier there was land dispute between the parties who are agnates on account of which Complaint Case No. 128 of 2010 was filed against the O.P. No. 2 and it is then the present complaint has been filed.

Having considered the nature of allegations in both the complaints as also the relationship and willingness of the parties to sort out their dispute before the Civil Court, the application is allowed and further proceedings including the order of cognizance dated 08.08.2012 passed by the 1<sup>st</sup> Class Magistrate, Bhagalpur in Complaint Case No. 305 of 2010 is hereby set aside. Also the proceedings of Complaint Case No. 128 of 2010 filed on 28.01.2010 is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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