

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20965 of 2013

Arising Out of PS.Case No. -17 Year- 2012 Thana -Karai Parsarai District- Nalanda (Biharshariff)

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Sen Gupta Prasad Son of Late Shibalak Prasad Resident Of Village - Diyanwa, P.S.
Karaipur Surai, District - Nalanda

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-11-2015

The petitioner seeks quashing of the order of cognizance dated 23.02.2013 passed by the Judicial Magistrate, 1st Class, Hilsa Nalanda in G.R. No. 189 of 2012.

The case of the informant is that the accused persons assaulted him and dragged him out of the house on account of land dispute between them. The accused persons had also got the land registered by committing forgery when he was minor and his father without any objection had put his signature in the partition deed because of his gentle behaviour.

It has been submitted on behalf of the petitioner that basically the informant is aggrieved with the portion of property which fell in his share in 1992 on partition. Even conceding the

allegation, no criminal offence is made out. Evidently the rest of the allegations with regard to assault etc. are mere embellishments.

On the other hand the informant submits that since the petitioner has assaulted and cheated him he should be put on trial.

Considering the relationship between the parties and background facts, the application is allowed without prejudice to the rights of the parties and the order of cognizance dated 23.02.2013 passed by the Judicial Magistrate, 1st Class, Hilsa Nalanda in G.R. No. 189 of 2012 is hereby set aside.

(Anjana Prakash, J)

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