

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47047 of 2014

Arising Out of PS.Case No. -240 Year- 2012 Thana -PATORI District- Samastipur

- =====
1. Rampriya Devi wife of Bibhishan Prasad Verma.
 2. Sri Bihibsan Prasad Verma son of Sri Mahadeo Saran.
 3. Mukesh Prasad Son

.... Petitioner/s

Versus

1. State of Bihar.
2. Chandrawati Devi @ Gyanlata Devi wife of Jaindail Singh.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-10-2015

The petitioners seek quashing of the order of cognizance dated 06.07.2013 passed by the Judicial Magistrate 1st Class, Samastipur in Complaint Case No. 158 of 2012 arising out of Patori P.S. Case No. 240 of 2012.

The case of the complainant is that the accused were fraudulent people and had tried to grab her property. On the date of occurrence they came to her house and forcibly took her thumb impression on some blank documents.

The counsel for the petitioners submits that even though the complainant claims that she is owner of the property in question , fact is that it is the Petitioners 2 and 3 who had filed eviction suit against 'Khadi Bhandar' which was a tenant. Being aggrieved with

such act, the present complaint has been lodged.

On the other hand the complainant submits that the petitioners are strangers to the property and only to create a claim on the suit property, they filed the eviction suit falsely. Later compromise petition was filed after which the rent was paid.

Considering that the dispute appears essentially to be civil in nature, further proceedings of Complaint Case No. 158 of 2012 arising out of Patori P.S. Case No. 240 of 2012 is hereby set aside. The application stands allowed.

However, if at any point of time, any documents purportedly on the signature of the complainant/informant is used, it will be open to her to challenge the same on the aforesaid ground.

(Anjana Prakash, J)

Prakash/-

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