

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23958 of 2012

Arising Out of PS.Case No. -317 Year- 2009 Thana -Kotwali District- BHAGALPUR

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Arvind Kumar Singh, S/O Late Narayan Singh, Resident of Mohalla- Shatis Sarkar Lane, Police Station- Adampur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Meera Gupta, W/o Sri Anup Kr. Gupta , D/o Sri Shyam Sunder Kedia, resident of Mohall-Dwarikapuri Colony, Dr. Rajendra Prasad Road, P.S. Kotwali , District Bhagalpur.

.... 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: 02-03-2015

The Petitioner seeks quashing of the order of cognizance dated 30.04.2010 passed by the Judicial Magistrate 1st Class, Bhagalpur in G.R. No. 1587 of 2009 arising out of Kotwali P.S. Case No. 317 of 2009 so far as he is concerned.

The case of the informant is that his brother was selling the joint family property to others on forged and fabricated power of attorney even while the probate case was pending.

It has been submitted on behalf of the petitioner that he is a purchaser and, hence, even considering the allegations in the First Information Report no offence would be made out against him.

On the other hand, the Counsel for the informant submits that since the petitioner purchased the property despite knowing that it was disputed hence he should be prosecuted.

Considering the merits of the case discussed above, I would be inclined to hold that no criminal offence is made out against the petitioner.

Hence, the proceeding including the order of cognizance dated 30.04.2010 passed by the Judicial Magistrate 1st Class, Bhagalpur in G.R. No. 1587 of 2009 arising out of Kotwali P.S. Case No. 317 of 2009 is , hereby, set aside.

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

The Application stands allowed.

(Anjana Prakash, J.)

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