

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37908 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUZAFFARPUR

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1. Bipin Kumar Chaudhary son of Mahendra Chaudhary.
 2. Dinesh Singh son of Late Ganesh Singh.

.... Petitioner/s

Versus

1. State of Bihar.
 2. Lalan Chaudhary@Ram Niranjana Chaudhary son of Late Indradeo Chaudhary.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. V.K. Singh, Adv.
For the Opposite Party/s : Mrs. Bela Singh, Adv.
For the State : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The petitioners seek quashing of the order of cognizance dated 07.08.2008 passed by the Sub-Divisional Judicial Magistrate, West Muzaffarpur in Complainant Case No. 345 of 2008.

The case of the complainant is that he was of a weak mental health whereas the accused persons were cunning and had kidnapped him and taken to the Registry office where a sale deed was executed in favour of the Petitioner no. 1. When the complainant demanded an explanation they threatened him.

It has been submitted that the story of being kidnapped and taken to the Registry office for execution of the sale deed appears absurd. It does not appear probable that a person who would be

confined would be photographed and finger prints of both hands be taken without any protest to the authority present there. Evidently this complaint has been filed for ulterior reasons.

The background fact is that the complainant had executed a sale deed in favour of the Petitioner no. 1 on 26.12.2007 vide registered sale deed no. 4031 and the second sale deed was executed in favour of Md. Kurban on 18.02.2007 third sale deed was executed in favour of one Dinesh Sahani on 01.02.2008 fourth sale deed was executed on 01.02.2008, fifth sale deed was executed on 28.01.2008 and sixth sale deed was executed in favour of another person. From the series of sale deeds executed by him, it is evident that he was not person of a weak mind and had complete sense in executing the sale deeds. In fact the brother of the complainant had instituted a case against the Petitioner no. 1 and the present complainant also with regard to the same transaction and hence the present complainant instituted a complaint in order to save himself from the prosecution.

The counsel for the complainant submits that all the sale deeds had been executed during the period of confinement and hence the petitioner be put on trial.

Considering the absurdity of the allegations levelled in the complaint petition and the improbability of the same, I would be inclined to hold that the present complaint is an unreliable. Hence the

application is allowed. The order of cognizance dated 07.08.2008 passed by the Sub-Divisional in Complainant Case No. 345 of 2008 is hereby set aside.

However, this order shall have no bearing on any other proceedings.

(Anjana Prakash, J)

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