

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36911 of 2012

Arising out of P.S. Case No. -48 Year- 2011 Thana -null
District- NALANDA (BIHARSHARIFF)

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1. Suresh Ram Son of Late Birje Ram Resident of Mohalla + Post - Durga Sthan, Hilsa, P.S. - Hilsa, District – Nalanda.
 2. Amit Kumar Son of Sri Suresh Ram Resident of Mohalla + Post - Durga Sthan, Hilsa, P.S. - Hilsa, District – Nalanda.
 3. Sanjal Kumar Arya Son of Sri Dharmendra Singh Resident of Mohalla + Post - Durga Sthan, Hilsa, P.S. - Hilsa, District – Nalanda.
 4. Brij Kishore Singh @ Brij Kishore Prasad Son of Sri Rangesh Prasad Resident of Mohalla + Post - Durga Sthan, Hilsa, P.S. - Hilsa, District – Nalanda.
 5. Vijay Kumar Son of Late Bangali Mahto Resident oOf Station Road Hilsa, P.S. - Hilsa, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Satya Prakash Arya Son of Late Rajendra Prasad Resident of Mohalla + Post - Durga Sthan, Hilsa, P.S. - Hilsa, District - Nalanda, A/P K.G. Road Arrah Nawada, P.S. - Nawada, District – Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rewat Kant Raman, Adv.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioners seek quashing of the order of cognizance dated 08.05.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in Complaint Case No. 48 (C) of 2011.

The case of the Complainant is that he learnt that certain Title Suit was pending and when he went to take the records he found an agreement was on record

purportedly executed in his name which was evidently a forged document.

Considering that the Title Suit is pending before the Civil Court where the authenticity of the Sale-deed is a point of adjudication, in my understanding, the present prosecution would be a multiplicity of proceedings at least for the present.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 08.05.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in Complaint Case No. 48 (C) of 2011 is, hereby, set aside without prejudice to the parties.

The Court of Sub Judge, 1st Hilsa, Nalanda is directed to expedite the proceeding of Title Suit No. 73 of 2010.

The Application stands allowed with the aforesaid observations.

Vikash/-

(Anjana Prakash, J.)

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