

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50113 of 2008

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

- =====
1. Babu Saheb Singh
 2. Nunu Singh both sons of late Purandhar Singh
 3. Birju Singh son of Sri Babu Saheb Singh, all resident of village Parsarma, P.O. Parsarma, P.S. and District Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Shyam Jha S/o Durganand Jha, resident of village + P.O. Parsarma, P.S. and District Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Pd. Singh, Advocate

For the Opposite Party/s : Mr. Umesh Pd. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

No one appears on behalf of the Opposite Party No.2 on repeated dates.

The Petitioners seek quashing of non-discharge dated 3.9.2008 passed by the Sub Divisional Judicial Magistrate, Supaul in Complaint case No.8 of 2005.

The case of the Complainant is that on the date of occurrence while he was irrigating his field, the accused persons came upon there and started to disturb him. They then came to his door and forcibly took away his cow and assaulted him.

The submission of the Counsel for the Petitioners is that the Petitioner No.3 subsequently filed Complaint case No.82C of

2005 with regard to some land dispute. A report was called for by the Chief Judicial Magistrate, Supaul from the Deputy Superintendent of Police, Supaul, who looked into the matter and submitted that the allegations were incorrect and baseless and the witnesses have not supported the allegation. The same is annexed as Annexure 3.

Having looked into the nature of dispute between the parties, I would be inclined to hold that the present Complaint is frivolous in nature and deserves to be set aside. Hence, the entire proceedings including the order dated 3.9.2008 passed by the Sub Divisional Judicial Magistrate, Supaul in Complaint case No.8 of 2005 is hereby set aside. Also in the interest of the parties, further proceedings of Complaint case No.82C of 2005, if still subsisting, shall stand dropped.

Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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