

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47737 of 2012

Arising Out of PS.Case No. -195 Year- 2011 Thana -null District- AURANGABAD

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1. Suresh Sharma @ Ram Suresh Sharma son of late Ram Lakhan Mistri, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 2. Jai Prakash Sharma son of late Ram Lakhan Mistri, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 3. Sarvoday Sharma son of Rajendra Sharma, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 4. Dharmendra Vishwakarma son of Shyam Dutt Vishwakarma, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 5. Sheodhari Rajwar son of late Prasad Rajwar, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 6. Manish Vishwakarma son of Law Kush Vishwakarma, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 7. Ajay Sharma son of Naresh Sharma, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 8. Naresh Paswan swon of late Faudar Paswan, resident of village Tarar, P.S. Daudnagar, District Aurangabad
 9. Munna Chaurasia son of Nathuni Chaurasia, resident of village Tarar, P.S. Daudnagar, District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi wife of Sri Daya Shankar Prasad, resident of village Tarar, P.S. Daudnagar, District Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mishra, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP
For Opposite Party No.2 : Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

The Petitioners seek quashing of the order of cognizance dated 3.4.2012 passed by the S.D.J.M., Daudnagar, Aurangabad in Daudnagar P.S. case No.195 of 2011.

The case of the Informant is that on the date of

occurrence the accused persons variously armed came and started obstructing the construction of the Anganbari building.

It has been submitted on behalf of the Petitioners that in fact the Anganbari was being forcibly constructed on their land, on account of which they filed writ application before this Court when notices were issued to the Informant. Once notices were issued this false case has been instituted so as to create any action against them. If at all the Informant has any grievance, he should file a Civil Suit.

On the other hand, the Counsel for the Opposite Party No.2 submits that since the Petitioners had obstructed construction of a well fair scheme, they should be prosecuted.

Having gone through the nature of allegations, I am unable to convince myself as to how any criminal offence is made out in the facts stated above. Hence, the application is allowed and the proceeding including the order of cognizance dated 3.4.2012 passed by the S.D.J.M., Daudnagar, Aurangabad in Daudnagar P.S. case No.195 of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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