

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1720 of 2013

Arising Out of Complaint Case No. 71 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE
District- -

- =====
1. Nawal Kishore Roy S/O Late Jagdambi Roy
 2. Munna Roy
 3. Sajjan Roy
- Both S/O Nawal Kishore Roy Resident Of Village- Makandpur, P.S.- Akbarnagar,
Dist.- Bhagalpur
4. Nageshwar Prasad Roy S/O Late Chakradhar Roy Resident Of Village-
Makandpur, P.S.- Nathnagar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ram Nirajan Roy S/O Ram Gulam Roy Resident Of Village- Makandpur,
P.S.- Akbarnagar, Dist.- Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mirtunjay Pd. Singh, Adv.
For the State : Mr. Uma Nand Mishra, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 29.8.2012 passed by the Judicial Magistrate, Bhagalpur, in Complaint Case No. 71 of 2011 instituted on the basis of a protest petition.

The case of the Informant/Complainant was that the accused persons in collusion with each other had prepared a certain deed of agreement which was evidently false.

The submission of the Petitioners is that initially, a

First Information Report was instituted on the basis of allegations which on investigation was found to be false and, hence, Final Report was submitted. However, the case proceeded on protest-cum-Complaint Petition. He submits that Title suit filed on behalf of the Opposite Party No. 2 has already been dismissed.

On the other hand, the counsel for the Complainant submits that since in the facts of the Complaint, a criminal offence would be made out, they should be put on Trial.

Considering that evidently a civil dispute is made out in the facts of the case, the application is allowed and the Proceeding including the order of cognizance dated 29.8.2012 passed by the Judicial Magistrate, Bhagalpur, in Complaint Case No. 71 of 2011, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--