

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41477 of 2012

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1. Ravindra Singh, son of late Girjanandan Singh
2. Manager Singh, son of late Ramagya Singh
3. Nagendra Singh, son of late Ramasraya Singh
4. Baban Singh, son of late Daroga Singh
5. Arbind Singh, son of late Tejan Singh @ Tej Narayan Singh

All Petitioners No. 1 to 5 are resident of village Beriadih, P.S. Harsidhhi, Distt. East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar Singh, son of late Ram Lochan Singh, resident of village Beriadih, P.S. Harsidhhi, Distt. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

Mr. Satyendra Pd. Singh, Adv.

For the State : Mr. Suresh Pd. Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of non-discharge 10.7.2012 passed by the Judicial Magistrate, 1st Class, Motihari, in Motihari Town P.S. Case No. 256 of 1999.

The case of the Informant is that he was in peaceful possession of a certain piece of land, but, after death of his father, the accused persons sold out a certain piece of his land. Hence, the present Complaint.

It has been submitted on behalf of the Petitioners that they also claim legal right over the said land since they were joint purchasers along with the father of the Complainant. In such

circumstances, the present Complaint is unwarranted.

On the other hand, the counsel for the Complainant submits that since the accused persons created a false document with regard to the land within his title, they should be prosecuted.

Having gone through the nature of allegation, I would be inclined to hold that at best a civil dispute is made out in the facts of the case.

Hence, the application is allowed and the Proceeding including the order of non-discharge 10.7.2012 passed by the Judicial Magistrate, 1st Class, Motihari, in Motihari Town P.S. Case No. 256 of 1999 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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