

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37375 of 2012

Arising Out of PS.Case No. -889 Year- 2000 Thana -null District- MUNGER

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1. Jai Prakash Sah
2. Anil Sah
3. Ram Babu Sah all sons of Late Gandhi Sah
4. Bijay Kumar Sah
5. Ajay Kumar Sah both sons of Jai Prakash Sah, all R/O Mohalla - Dalhatta Bazar,
Police Station - Kotwali, District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dilip Kumar S/O Late Surya Narayan Prasad Sah R/O Mohalla - Dalhatta Bazar,
Police Station - Kotwali, District - Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the State : Smt. Anita Kumari Singh, APP
For Opposite Party No.2 : Mr. Brajnandan Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-03-2015

The Petitioners seek quashing of the order dated 25.4.2012 passed by the court of Sri S.K. Singh, Judicial Magistrate, 1st class, Munger in Complaint case No.889C of 2000, by which he has refused to discharge the Petitioners.

The case of the Complainant is that on the date of occurrence the accused persons, who were his own Gotiyas, enquired as to why a Title Suit had been filed and thereafter assaulted him and committed theft of his articles and money.

It has been submitted on behalf of the Petitioners that as

conceded by the Complainant the parties are agnates and there was a Title Suit between them. In order to gain undue advantage in the Title Suit, the present Complaint has been instituted so that they would be coerced into settling the dispute on his terms.

On the other hand, the Counsel for the Complainant submits that not only the Complainant but his witnesses have also supported the Complaint case and hence the Petitioners should be prosecuted.

Having considered the background facts, I would be inclined to hold that the present Complaint has been filed for ulterior purposes and deserves to be set aside.

Hence, the application is allowed and the proceeding including the order dated 25.4.2012 passed by the court of Sri S.K. Singh, Judicial Magistrate, 1st class, Munger in Complaint case No.889C of 2000 is hereby set aside.

However, the quashment of the present proceeding shall have no bearing on the Title Suit.

(Anjana Prakash, J)

Narendra/-

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