

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44206 of 2012

Arising Out of PS.Case No. -1132 Year- 2012 Thana -null District- SIWAN

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1. Nand Singh son of Dharm Nath Singh
 2. Rakesh Singh
 3. Amit Singh
 4. Nakia Singh
 5. Bali Singh all sons of Nand Singh
 6. Hirdya Nand Singh son of Adyanath Singh
 7. Nawal Kishore Singh son of late Ant Nath Singh, all resident of village & P.O. Agya, P.S. Gorea Kothi, District Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Madhubala Devi wife of Ram Naresh Singh, daughter of late Suraj Nath Singh, resident of village Agya, P.S. Goreakothi, District Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Manoj Kr., APP

For Opposite Party No.2 : Mr. Brajesh Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 4.6.2012 passed by the Judicial Magistrate, 1st class, Siwan in Complaint case No.1132 of 2012 (Trial No.4299 of 2012).

The case of the Complainant is that she was living in her parental home and her parents died one after the other. After the same the accused persons in conspiracy with each other started executing sale deed with respect to her property.

It appears that initially a First Information Report was

instituted and the matter was investigated into by the police who submitted final report in the matter. However, the Opposite Party No.2 filed a protest petition which was treated as a Complaint and thereafter the matter proceeded. It appears that during investigation the brother of the Complainant was also examined under Section 164 Cr.P.C., who stated that her sister had instituted this false case.

On the other hand, the Counsel for the Complainant submits that since in the facts of the case a criminal offence is made out against the Petitioners, they should be proceeded against.

Having considered the facts that the allegations were found untenable by an independent agency, I would not be inclined to permit the continuance of the proceeding on merely unilateral and oral allegations.

Hence, the application is allowed and the entire proceeding including the order of cognizance dated 4.6.2012 passed by the Judicial Magistrate, 1st class, Siwan in Complaint case No.1132 of 2012 (Trial No.4299 of 2012) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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