

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10157 of 2013

Arising Out of Complaint Case No. 1365 (C) Year- 2008 Thana -PATNA COMPLAINT CASE
District- -

- =====
1. Ashok Kumar Pandey, son of Sri Satya Narayan Pandey
 2. Gautam kumar @ Raju
 3. Uttam Priyadarshi @ Chotu

Both sons of Ashok Kumar Pandey

All residents of Mohalla Dariyapur Gola, P.S. Pirbahore, town and Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nilam Devi, wife of Sri Gopal Pandey, resident of Mohalla Dariyapur Gola, P.S. Pirbahore, Town and Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Laxman Nr. Das, Adv.

Mr. Subhdeep Das, Adv.

For the State : Mr. Raj Kishore Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

Heard learned counsel for the Petitioners and the State.

In the nature of dispute between the Parties, an effort was made to resolve the same but it could not be done. Be that as it may, the Court is proceeding to dispose of the matter on merits.

The Petitioners seek quashing of the order dated 28.3.2012 passed by the Judicial Magistrate, Patna, in Complaint Case No. 1365C of 2008.

The case of the Complainant is that she was the wife of the brother of Petitioner No. 1 and their relation was sour on account of property dispute. On the date of occurrence, the accused persons

started to abuse and used vulgar language against her in which her father-in-law also intervened but, he was pushed by the Petitioner No. 1 due to which he fell down. The Petitioners No. 2 and 3 also assaulted her on account of which she sustained injuries.

It has been submitted on behalf of the Petitioners that the Petitioner No. 1 is an old man aged about more than 60 years whereas the Petitioners No. 2 and 3 were the students studying in Delhi at that point in time. As stated in the Complaint petition itself that there was a property dispute between the Parties on account of which Title Partition Suit No. 4 of 1996 is pending before the Sub-Judge 8, Patna. It is on account of the property dispute that this frivolous complaint has been filed with exaggerated facts.

On the other hand, the counsel for the Complainant submits that since the Petitioners acted in a high handed manner, they should be put on Trial.

Having considered the nature of relationship between the Parties and the allegations, the application is allowed and the Proceeding including the order dated 28.3.2012 passed by the Judicial Magistrate, Patna, in Complaint Case No. 1365C of 2008, is hereby, set aside.

(Anjana Prakash, J)

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