

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5633 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PURNIA

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1. Md. Saghiruddin son of late Karamat Ali
 2. Md. Aminuddin son of Siddique
 3. Hatim @ Md. Hatim son of Chhuthar
 4. Ajabun Ajabul son of Mahngu
 5. Md. Aiyas @ Ayas son of Yasin
 6. Sk. Mahngu @ Maghu son of late Kadai, all resident of village Rasaili, Police Station Amour, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Badiuzzama son of Abu Jama, resident of village Bangawan, Police Station Amour, District Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad, Advocate

For the Opposite Party/s : Mr. Kuamr Ranjit Ranjan, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioners seek quashing of the order of cognizance dated 17.6.2010 passed by the S.D.J.M., Purnea in Complaint case No.1771 of 2007, which has been affirmed by the 2nd A.D.J., Purnea passed in Criminal Revision No.318 of 2010 by an order dated 27.11.2010.

The case of the Complainant is that during his lifetime his maternal grand father had transferred 2 acres of land in favour of the Complainant in respect to which he was paying rent to the State. However, the accused persons continuously tried to disturb his

possession, on account of which the Petitioner No.1 was compelled to file a Civil Suit before the Sub Judge 1st, Purnea. Several rounds of panchayati were held but no settlement was arrived at and hence he filed the present Complaint.

It has been submitted on behalf of the Petitioners that as is evident the dispute revolves around the land upon which both the parties lay a bona fide claim. In fact a proceeding under Section 144 Cr.P.C. was also initiated for the same cause of action and admittedly the Title Suit is pending.

Considering the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 17.6.2010 passed by the S.D.J.M., Purnea in Complaint case No.1771 of 2007 as also the order dated 27.11.2010 passed by the 2nd A.D.J., Purnea in Criminal Revision No.318 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	