

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38057 of 2010

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

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Balbhadra Choudhary s/o late Sukhdeo Choudhary, r/o village Sahiyara, P.S.
Sahiyara, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar Mishra s/o Lala Lakshmikant Mishra, r/o village Sahiyara, P.S.
Sahiyara, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

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

The Petitioner seeks quashing of the order of cognizance dated 12.8.2010 passed by the S.D.J.M., Sitamarhi, Sadar in Complaint case No.C1-390 of 2006.

The case of the Complainant is that he had purchased a certain piece of land from Rakesh Choudhary, who stated that he had derived the lands from the maternal grand father. However, later on he found out that another sale deed was executed by one Hardeo Choudhary in favour of the Petitioner with regard to the same property by overwriting certain figures. The Complaint was sent for investigation under Section 156(3) Cr.P.C. but it ended in a final report.

It has been submitted that now the allegations are only oral without any substantive proof. Also if at all the Complainant is aggrieved, he should approach the Civil Court.

Having considered that an independent agency looked into the allegations of the Complainant and found the same unsubstantiated, I would hold that the trial on unilateral allegations would be nothing but a mere abuse of the process of the Court. Hence, the application is allowed and the proceeding including the order of cognizance dated 12.8.2010 passed by the S.D.J.M., Sitamarhi, Sadar in Complaint case No.C1-390 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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