

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45601 of 2014

Arising Out of PS.Case No. -51 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Bhola Singh, Son of Late Indradeo Singh Resident of village- Manikpur,
P.S.- Pupri, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. Kapildeo Singh S/o Late Sri Narth Singh
3. Madhav Singh S/o Late Narayan Singh
4. Raghav Singh S/o Late Narayan Singh
5. Santosh Singh S/o Kapildeo Singh
6. Shivji Singh S/o Late Gang Bisun Singh.

All are resident of Village- Manikpur, P.S.- Pupri, District- Sitamarhi

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate.
For the State : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is a petition for quashing the order dated
04.07.2014 passed in Cr. Revision No. 38 of 2014 by which
learned Sessions has affirmed the order passed by Sri Manish
Dwivedi, Judicial Magistrate, 1st Class, Pupri, Sitamarhi,
dismissing the complaint filed by the petitioner in Complaint Case
No. C-1/51/12.

3. The prosecution case as alleged complainant and
opposite party nos. 2 to 6 accused having consensus exchange

their shares of land with each others and there was land dispute between the parties. Further allegation that the complainant was abused and assault and snatching of Rs. 20,000/- from pocket and wrist watch of the complainant.

4. The trial court taking into consideration the statement of complainant on Solemn Affirmation as well as statement of witnesses and prosecution regarding exchange of land and harvesting with the complainant share of the land and material on record dismissed the complaint giving reason that matter concerned with land dispute between the parties and both the parties are descendent of common ancestor.

5. Section 203 of Cr.P.C. provides that “if, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under Section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismissed the complaint, and in every such case he shall briefly record his reasons for so doing”.

6. From the impugned order, it is apparent that the learned Judicial Magistrate have dismissed the complaint petition by giving valid reason taking into consideration the Solemn Affirmation of the complainant under Section 200 of Cr.P.C. and

statement of witnesses recorded during enquiry under Section 202 of Cr.P.C. and fact and circumstance of the case and given the valid reason that the matter concern with the land dispute between the parties. The Revisional Court also rejected the revision petition considered the order and forced the reason valid.

7. The learned counsel for the petitioner challenged the order on the ground that there is specific allegation making out a prima facie case and if allegation made is accepted as there is allegation of abuse and assault and snatching of Rs.20,000/-.

8. However, the trial court considers the fact and found the matter in dispute is land dispute and to put undue pressure on accused, so the present case has been filed.

9. I find that the allegations ornamental as allegation of snatching Rs. 20,000/- and wrist watch and allegation of abuse and assault is general and omnibus.

10. Hence, I do not find any merit to interfere with the impugned order passed by learned Judicial Magistrate as well as learned Sessions Judge.

11. As a result, the petition is dismissed.

m.p.

(Gopal Prasad, J)

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