

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7298 of 2011

Arising Out of PS.Case No. -51 Year- 2010 Thana -null District- PATNA

- =====
1. Sukhjinder Singh son of Sri Karnail Singh.
 2. Navdeep Singh son of Sri Karnail Singh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Pravesh Rai son of lala Rai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The petitioner seeks quashing of the order of cognizance dated 30.11.2010 passed by the Additional Chief Judicial Magistrate, Patna City, Patna in Mehandiganj P.S. Case No. 51 of 2010.

The case of the informant who was Guard of certain premises is that his employer was in possession of the premises concerned but on the date of occurrence the accused persons came and forcibly took away the articles and threatened him and also abused him.

It has been submitted on behalf of the petitioners that in fact the dispute arises out of a land of which Petitioner no. 1 is the bonafide owner. The same is disputed by the employer of the informant. A proceeding under Section 144 Cr. P.C was also initiated in this matter which went against the interest of the employer. She

then filed Title Suit before the Sub-Judge 1 where the same is going on. In such circumstances evidently present proceedings appears to be malicious.

On the other hand the complainant submits that since the petitioners had created a nuisance on the date of occurrence and abused him they should be put on trial.

Having considered the background of the dispute, the application is allowed and further proceedings including the order of cognizance dated 30.11.2010 passed by the Additional Chief Judicial Magistrate, Patna City, Patna in Mehandiganj P.S. Case No. 51 of 2010 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
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