

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42127 of 2010

Arising out of P.S. Case No. -3200 Year- 2009 Thana –
Complaint Case District- PURNIA

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1. Kameshwari Gupta.
 2. Tarni Gupta @ Tarni Prasad Gupta.
 3. Rajendra Gupta, Petitioner No. 1 to 3 are sons of Mahadeo Gupta.
 4. Chunna Gupta.
 5. Munna Gupta.
 6. Suraj Gupta. Petitioner No. 4 to 6 sons of Kamleshwar Gupta.
 7. Santosh Gupta.
 8. Bambam Gupta.
 9. Chhotu Gupta. Petitioner No. 7 to 9 Sons of Tarni Gupta.
 10. Tara Devi, Wife of Kamleshwari Gupta.
 11. Babloo Gupta @ Babloo Kumar, Son of Rajendra Gupta.
 12. Madan Gupta, Son of Gulab Gupta.
 13. Gulab Gupta, Son of Ant Lal Gupta. All resident of Village Tika Patti Bazar, Police Staion-Tikapatti, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vandana Devi, Wife of Ashok Poddar, Resident of Village-Tikapatti Bazar, P.S.-Tikapatti, District-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Mishra, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of the order dated
21.05.2010 passed by the Judicial Magistrate, 1st Class,
Purnea in Complaint Case No. C.A. 3200 of 2009.

The case of the Complainant is that she used to
run a grocery shop while her husband used to live in
Punjab and she got executed some land from one Dropadi
Devi and Tara Devi but on 30.09.2009 the accused
persons along with 10-12 Adivashi Labourers appeared

and started to forcibly occupy her land and also committed theft of her personal property.

It has been submitted on behalf of the Petitioners that fact is that there was some dispute over alleged possession of the Complainant on the land for which reason a proceeding under Section 144 Cr.P.C. was also initiated. The Police Report shows that it was the Complainant who was at fault. Earlier, the Complainant had filed a Police Case baring Tikapatti P.S. Case No. 47 of 2010 for the same cause of action which ended in a final report and it is thereafter that the present case has been instituted falsely. There also appear a series of proceedings such as mentioned above and a proceeding under Section 107 Cr.P.C. which reveals that the present Complaint is nothing but an offshoot of the main civil litigation.

Having considered the frivolous nature of the allegations and the background dispute, the entire proceeding including the order dated 21.05.2010 passed by the Judicial Magistrate, 1st Class, Purnea in Complaint Case No. C.A. 3200 of 2009 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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