

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45088 of 2010

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Nagendra Kumar, son of Sri Banban Sharma, resident of village Dhangawan, P.O. Dhangawan, P.S. Jehanabad, Distt. Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar, son of Sri Banwari Sharma, resident of village Dhangawan, P.O. Dhangawan, P.S. Jehanabad, Distt. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun, Adv.
Mr. Dharmendra Nath Mishra, Adv.

For the State : Mrs. Rina Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 15.9.2010 passed by the Additional Chief Judicial Magistrate, Jehanabad in Complaint Case No. 237 of 2010/Trial no. 1475 of 2010.

The case of the Complainant is that he had derived certain lands and was in possession of the same but the accused persons conspiring with each other sold the same lands in favour of the co-accused.

It has been submitted on behalf of the Petitioners that the Complainant is trying to build up a case for possession of the lands and has also filed a Title Suit No. 49 of 2010 dated 20.3.2010

pending before the Sub Judge, Jehanabad for the same reason. If at all the lands belonged to him, it would be adjudicated by the Civil Court and, hence, the present Complaint should be set aside.

Having considered the aforesaid, the application is allowed and the Proceeding including the order of cognizance dated 15.9.2010 passed by the Additional Chief Judicial Magistrate, Jehanabad in Complaint Case No. 237 of 2010/Trial no. 1475 of 2010 is hereby set aside without prejudice to the rights of the parties.

S.Ali/-

(Anjana Prakash, J)

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