

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42066 of 2010

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

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1. Ram Narayan Singh @ Ramjee Singh
 2. Ram Briksha Singh, sons of Nandan Singh
 3. Navin Kumar Singh @ Navin Singh, son of Ramdeo Singh
 4. Ajay Kumar Singh @ Ajay Singh son of Ram Briksha Singh, all of village Chikni, Police Station Barari, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar Singh S/o late Madan Singh, vill. Dhanaura, P.S. Aawtarnagar, Dist. Saran (Chapra)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kr. Singh, APP
For Opposite Party No.2 : Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

The Petitioners seek quashing of the order of cognizance dated 6.8.2010 passed by the Judicial Magistrate, 1st class, Katihar in Complaint case No.1206 of 2009.

The case of the Complainant is that he had derived certain lands from his ancestors which was in his possession. However, the accused persons started to disturb the same on the basis of photo copy of a sale deed No.15416 dated 20.11.1994. When he made enquiries from the Registry Office in its regard, he found that there was no such sale deed as claimed by the accused persons. He also found that a Bataidari case had been instituted at the instance of

some of the accused persons and thus he filed the present Complaint.

It has been submitted on behalf of the Petitioners that as is evident from the Complaint Petition itself that there is some bona fide land dispute between the parties. For this reason the Petitioner No.2 subsequently had filed Title Suit so as to sort out the dispute before the Civil Court which was more competent in matters of right, title and possession.

On the other hand, the Counsel for the Complainant submits that since the Petitioners have been claiming rights on the basis of forged documents, they should be put on trial.

Having considered that the same set of issues are before the Civil Court, which is competent to adjudicate on the same, allowing a parallel proceeding in its regard would be against the interest of justice, hence the application is allowed and the proceeding including the order of cognizance dated 6.8.2010 passed by the Judicial Magistrate, 1st class, Katihar in Complaint case No.1206 of 2009 s hereby set aside without prejudice to the rights of the parties.

(Anjana Prakash, J)

Narendra/-

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