

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40231 of 2011

Arising Out of Complaint Case No. 569(C) Year 2010 District- PATNA

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1. Surendra Kumar Gupta, son of late Ram Lakhan Sao
 2. Nagendra Kumar Gupta, son of Late Ram Lakhan Sao
- Both resident of village and P.S. Bhadaur, Distt. Patna.
3. Debendra Kumar, son of Late Ram Lakhan Sao, resident of village Salempur, P.S. Barh, Distt. Patna.
 4. Balbhadra Singh, son of Sri Maheshwar Singh, resident of village Darbey, P.S. Bhadaur, Distt. Patna.
 5. Punjabi Singh, son of Jatadambi Singh, resident of village- Darbey, P.S. Bhadaur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Shyam Sundar Gupta, son of late Karu Sao, resident of village + P.S.- Bhadaur, District- Patna, presently residing at 115, Hemchandra Naskar Road, P.S.- Belihatta, Kolkatta (West Bengal)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 28.10.2010 passed by the Additional Chief Judicial Magistrate, Barh, Patna, in Complaint Case No. 569(C) of 2010.

The case of the Complainant is that he possessed about 10 Bighas of land that the accused No. 1 had instituted a false case on 26.7.2010 before the Additional Chief Judicial Magistrate, in which some of the accused were witnesses. He further alleged that the

accused had taken some loan which they could not return and they cheated him of his joint family property and, hence, they should be proceeded against.

On the last occasion notices had been issued to the Opposite Party No. 2 but despite service of notice upon the counsel, he has chosen not to appear before this Court.

On going through the facts of the case I find that allegations are vague and speculative, I am unable to convince myself that any offence would be made out in the facts stated therein and, hence, the application is allowed and the Proceeding is hereby set aside.

(Anjana Prakash, J)

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