

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45128 of 2010

Arising Out of PS.Case No. -30 Year- 2010 Thana Alamganj District- PATNA

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1. Yashomati Devi, wife of Laxmi Singh
 2. Sudha Kumari, daughter of Laxmi Singh

Both are resident of Mohalla Chailitand, P.S. Alamganj, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash, son of Kishori Sao, resident of Mohalla Gulzarbagh, Station Road, P.O. Gulzarbagh, P.S. Alamganj, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.

For the State : Mr. J.K. Roy I, A.P.P.

For the Opposite Party No. 2 : Mr. Nagendra Kr. Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 3.9.2010 passed by the Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 30 of 2010.

The case of the Informant is that he entered into a certain agreements for sale of land for which reason he paid certain amount of money to the accused persons but they did not sell the land and misappropriated his money.

It has been submitted that one of the clauses of agreement was that the land would be registered in favour of the

Complainant within one month of a decision in the Partition Suit No. 147 of 2003 which was pending before the Sub Judge, Patna, but the same was not decided and hence he filed the present Complaint and also filed a Suit for Specific Performance bearing Title Suit No. 83 of 2007 without reasonable cause. In such situation, evidently, the present Prosecution is unwarranted.

Having considered the aforesaid, the application is allowed and the Proceeding including the order of cognizance dated 3.9.2010 passed by the Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 30 of 2010, is hereby, set aside.

(Anjana Prakash, J)

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