

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 41818 of 2010

Arising out of P.S. Case No. -542C Year- 2010 Thana –
Complaint Case District- BEGUSARAI

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1. Dr. Hemant Kumar, Son of Ashok Prasad Singh.
 2. Dr. Mirnalni, Wife of Dr. Hemant Kumar, Both are resident of Village-Panchveer, P.S.-Balia, District-Begusarai.
 3. Mahendra Prasad Sinha, Son of Late Chandra Prasad Singh, Resident of Village-Ramdiri, Tola Labharchak, P.S.-Matihani, District-Begusarai. Petitioner/s

Versus

1. The State of Bihar.
 2. Mani Mohan Singh, Son of Late Dev Narayan Singh, Resident of Village-Ramdiri, Tola Nakti, P.S.-Matiharni, District-Begusarai, At present residing at IMA Patna, behind Srikrishna Cinema Hall, P.S.-Town, District-Begusarai. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. A. K. Thakur, Adv.
Mr. Ravi Ranjan, Adv.
Mr. Nilesh Kumar, Adv.
For the State : Mr. Tarun Pd. Mandal, Adv.

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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 28.09.2010 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 542C of 2010.

The case of the Complainant is that his father was allotted a certain plot while the father of the Petitioner No. 3 was allotted some other piece of land but a dispute arose between them when they sold the said land which fell in his share.

It has been submitted on behalf of the Petitioners that even conceding the allegations in the Complaint Petition no criminal offence would be made out. If at all, there is any dispute with the manner in which land was sold the proper remedy would have been to file a suit which has already been done vide Title Suit No. 201 of 2009.

Having considered the aforesaid, the entire proceeding including the order dated 28.09.2010 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 542C of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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