

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.11331 of 2014**

Arising Out of P.S.Case No. -652 Year- 2013 Thana -PATNA COMPLAINT CASE District-  
PATNA

- =====
1. Sanjay Kumar Shandilya Son Of Raja Ram Shandilya Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.
  2. Ajay Kumar Shandilya Son Of Raja Ram Shandilya Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.
  3. Manoj Kumar Shandilya Son Of Raja Ram Shandilya Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.
  4. Ajit Kumar Shandilya Son Of Sanjay Kumar Shandilya Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.
  5. Bhaskar Kumar Shandilya Son Of Sanjay Kumar Shandilya Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.
  6. Md. Zakir Hussain Son Of Md. Islam Resident Of Village + P.O. - Kab, P.S. - Rani Talab(Bikram), Dist- Patna.

.... .... Petitioners

Versus

1. The State Of Bihar
2. Ram Karan Singh Son Of Late Indradeo Singh Resident Of Village - Kab-Rani Talab(Bikram), District - Patna.

.... .... Opposite Parties

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**Appearance :**

For the Petitioners : Mr. Dronacharya, Advocate.

For the Opposite Party : Mr. Kumar Virendra Narayan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 17-07-2017**

Heard.

2. This is an application under Section 482 of the Cr.P.C for quashing the order dated 05/6.01.2014 passed by Judicial Magistrate, Ist Class, Danapur, District-Patna in Complaint Case No.652C of 2013 whereunder cognizance for the offence under Sections 147, 323, 149 and 379/280 of the IPC has been taken against the petitioners. The Opposite Party No.2 filed a complaint case on the file of ACJM, Danapur alleging inter-alia that on 10.06.2013 at 8 P.M. and also in between 03.02.2013 and 21.05.2013 all the petitioners went over his



land and forcibly uprooted plant. The accused persons on 10.06.2013 entered into his courtyard and demanded rangdari to the tune of Rs.1,00000/- and Rs.10,000/- per month. On the alarm of complainant all the accused persons fled away from the place of occurrence.

3. It is submitted that, the present case has been lodged with false and frivolous allegation. The petitioners have purchased land measuring 14 decimal under plot no.2336 from one Ram Singari Devi by virtue of 09.04.2002. The complainant claiming himself to be Raiyat on western boundary filed pre-emption Case No.01 of 2002-03 against the petitioners and vendors. The said pre-emption case was allowed in favour of the complainant against which the petitioners filed pre-emption appeal no.4/2002-03. The appeal was allowed in favour of petitioner no.1. Against the said order, the complainant filed a revision bearing Land Ceiling Revision Case No.432 of 2006 which was allowed and thereafter the petitioner no.1 filed CWJC No.21670 of 2012 which is pending for hearing before this Court. The present complaint case has been filed only to harass the petitioners and put pressure with oblique motive. In view of land dispute between the parties, the criminal prosecution to these petitioners is abuse of the process of the Court and is fit to be quashed.

4. Learned APP opposed the submissions.

5. On perusal of complaint petition, copy of the impugned order as well as statement of witnesses recorded in course of the trial, I find that there is specific allegation against these petitioners that they on the date of occurrence entered into the courtyard and assaulted the complainant and his family members. They demanded rangdari and also took away articles from the house of the complainant. At the time of enquiry, the complainant on solemn affirmation and other witnesses have supported the allegation of theft and assault. The court



below took cognizance considering the material on record which prima-facie constitute offence under Sections 147, 323, 149 and 379/280 of the IPC. The contention of learned counsel for the petitioners that the case has been lodged on account of dispute relating to pre-emption case is not the subject matter of the present case rather the occurrence took place in the house of the complainant and not on the land which has been purchased by the petitioner no.1.

6. In view of discussions made above, I do not find any merit in this application. This application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

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| AFR/NAFR          | AFR        |
| CAV DATE          |            |
| Uploading Date    | 24.07.2017 |
| Transmission Date | 24.07.2017 |

