

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38497 of 2014

Arising Out of PS.Case No. -511 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Amin Alam @ Md. Amin Alam @ Alam Saheb, Son of Late Md. Umar resident of Mohalla Agha Jan Ki Gali, P.S. Alamganj, Patna City, District Patna.
 2. Akhlaqur Rahman, son of Abdul Qaiyum, resident of Agha Jan Lane Opposite Government Polytechnic, P.S. Alamganj, Dist. Patna.
 3. Benazir Alam, son of Md. Amin Alam resident of Agha Jan Lane, P.S. Alamganj, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arshad Hashmi, son of Late Md. Hashim, resident of Naon Ka Chauraha p.s. Khajekalan, Patna city, Dist. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 01-09-2017 Heard learned counsel for the petitioners as well as
learned counsel for the O.P. No. 2 and the State.

2. The petitioners seek quashing of order dated 10.09.2013 passed by the learned Sub Divisional Judicial Magistrate, Patna City in Complaint Case No. 511 of 2013 whereby he has taken cognizance of offence under Section 420 and 504 of the Indian Penal Code.

3. The allegation in brief , in complaint is that forged



Hibbanama was brought into existence by the accused no. 1 in connivance with the other by putting forged signature of complainant's sister and second allegation is that son of second wife of the petitioner no. 1 has shown as son of Shamsha Khatoon in that very Hibbanama.

4. Learned counsel for the petitioner submits that predominantly it is case of civil dispute and the said Hibbanama has also been challenged in a civil proceeding so in such matters criminal prosecution should not be allowed to proceed.

5. Contrary to that, learned counsel appearing on behalf of the O.P. No. 2 submits that in appropriate cases where more evidence is made both civil and criminal proceeding can go simultaneously.

6. Having considered the rival submissions and on perusal of record, the court is of the view that it is not that no offence is made out considering the allegation levelled in the complaint and material transpiring during enquiry. So this application has no merit which stands dismissed.

(Arun Kumar, J)

Sujit/-

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