

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25408 of 2014

Arising Out of PS.Case No. -1182 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Nand Kishore Singh Son of Ramashray Singh
2. Ram Lata Devi Wife of Nand Kishore Singh
3. Anjani Kumar Son of Nand Kishore Singh
4. Sudarshan Kumar Son of Nand Kishore Singh
5. Prince Kumar Son of Nand Kishore Singh
6. Sita Devi Wife of Late Ram Prakash singh

All are resident of Village Amba, P.S. Teghra, district Begusarai

.... Petitioners

Versus

1. The State of Bihar
2. Karun Devi Wife of Sri Lalan Singh R/o Village Amba, P.S. Teghra, District Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh
For the Opposite Party No. 2	:	Mr. Manoj Kumar
		Mr. Ashok Kumar
For the Opposite Party/s	:	Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 03-07-2017

The petitioners seeks quashing the order dated 11.03.2014 passed by the learned Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 1182 C of 2013 whereby and whereunder the learned Magistrate finding prima facie case for the offences under Sections 147, 452, 379, 323, 427 and 504/34 of the Indian Penal Code, ordered for issuance of summons against the petitioners.



2. Heard the learned counsel for the petitioners, the learned counsel for the Opposite Party No. 2 and the learned APP for the State.

3. The facts in brief is that the Opposite Party No. 2 filed a complaint case on the file of Chief Judicial Magistrate, Begusarai alleging, *inter alia*, that she purchased 3 katha 4 dhur of land from Inder Singh and Ram Subhag Singh by virtue of two registered sale deeds dated 19.09.2012 and 16.11.2012 and came possession thereof. She has alleged that on 15.05.2013 at about 8:00 A.M., the accused persons along with few unknown persons went over her land and forcibly ploughed the turmeric crops standing over the said land. She raised protest whereupon, they abused and assaulted her. She further alleged that on 05.06.2013, the accused persons armed with badly weapons came at her house and brutally assaulted her as she had made a complaint against the accused persons. The accused persons damaged her household articles worth of Rs. 5000/- and snatched gold chain from her possession.

4. The learned counsel for the petitioners submits that there is bona fide land dispute between the parties. The petitioners purchased 3 katha 16 dhur land of plot No. 788 from two co-sharers of Ram Nandan Singh. The original land owner Ram Nandan Singh



had five sons and out of them, two sold their share in favour of the petitioners. It was the complainant, who committed overt act for which a proceeding under Section 144 Cr. P.C. was initiated against them. The allegations of assault, damaging the household articles and taking gold chain have been made the offence grave. Learned counsel, in view of the above submissions, prays to quash the impugned order.

5. The learned APP for the State as well as the learned counsel for the complainant opposed the submissions.

6. On perusal of order and document available on record, I find that the complainant has specifically alleged that the accused persons on the date of occurrence came and forcible ploughed the land, which was in her cultivating possession. The accused persons came at her house on second occasion and after dragging her, brutally assaulted and damaged the household articles. The complainant in her S.A. and other witnesses supported the allegation of assault. It appears that the petitioners had purchased undivided share from the land owner and on account of apprehension of breach of peace a proceeding under Section 144 Cr.P.C. was initiated and the parties were restrained from going over the said land. The act committed by the petitioners certainly



was a criminal act as the occurrence took place at the residence of the complainant also.

7. In view of the discussions made above, I do not find any merit in this application. Accordingly, Criminal Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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