

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18076 of 2014

Arising Out of PS.Case No. -24 Year- 2013 Thana -SC/ST District- AURANGABAD

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1. Yugal Singh @ Yogendra Singh Son of Late Lakhan Singh Resident of Village +
P.O. Chorahi, P.S.-Haspura, District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Motilal Son of Late Janki Ram Resident of Village + P.O. Chorahi, P.S.-
Hapura, District-Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date: 01-11-2017

1. Heard learned counsel for petitioner, the opposite
party No. 2 and the State.

2. This petition has been filed for quashing the order
dated 17-02-2014 passed in SC/ST P.S. Case No. 24 of 2003 by
learned Sub Divisional Judicial Magistrate, Daudnagar by which and
whereunder, the learned Magistrate has taken cognizance against the
petitioners for the offence under Sections-323, 504, 506 of the Indian
Penal Code and 3(i)(x) of SC/ST Act.

3. Counsel for the petitioner has submitted that it is a
matter of purely civil dispute. There is no allegation that this



petitioner abused the informant in public place. The petitioner has approached the Gram Katchery vide case No. 26 of 2013 and Gram Katchery has declared the possession of this petitioner over the land in dispute. Rent receipts have also been issued in favour of the petitioner which is annexed as Annexure-2. The order of Gram Kuchery has been annexed as Annexure-3. It has been submitted that the petitioner is purchaser of the land in question and the informant has filed the instant case merely to harass the petitioner on account of aforesaid land dispute.

4. From perusal of the order of Gram Kutchery (Annexure-3) passed in Case No. 26 of 2013 and also the rent receipts filed by the petitioner (Annexure-2), this court is of the view that the matter relates to purely civil dispute. The possession of the petitioner has already been found by the Gram Kuchery vide order dated 07-12-2013 passed in Case No. 26 of 2013. It further appears from the complaint petition that there is no any specific allegation that any abuse has been made by the petitioner to the complainant at public place with a view to insult or humiliate him.

5. Therefore, this court finds that continuance of criminal proceeding against the petitioner in this case is nothing but mere harassment to the petitioner and an abuse of the process of the court.



6. Accordingly, the impugned order dated 17-02-2014 passed in SC/ST P.S. Case No. 24 of 2003 along with entire criminal proceeding with respect to the petitioner is quashed.

7. This Cr. Misc. Application is ***allowed.***

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	07-11-2017
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