

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6392 of 2015

Arising Out of PS.Case No. -2803 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Shyam Narayan Chaurasia @ Shyam Narayan Pd., S/o Late Ram Swarath Chaurasia, Resident of Village Bhairampur Nijamat, P.S. Doriganj, District Saran at Chapra (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dinesh Chaurasia S/o Late Vishwanath Chaurasia Resident of Village Bhairampur Nijamat, P.S. Doriganj, District Saran at Chapra (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. B.M.P.Sinha (App)
For the O.P. No. 2 : Mr. Negendra Rai, Advocate.
Mr. Navin Nikunj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 05-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the cognizance order dated 23.07.2014 passed by the J.M. 1st Class, Saran at Chapra in Complaint Case No. 2803 of 2013 thereby taking cognizance of offence under Sections 149, 323, 370 and 447 of the Indian Penal Code and subsequent criminal proceeding also.

A brief fact giving rise to the case is that complainant's father-in-law purchased a piece of land from the brother of accused no. 1 thereafter complainant used to cultivate the land and had installed a boring for cultivation purpose and it is



alleged that the petitioner wanted to repurchase the land from the father-in-law of the complainant, so they were putting pressure and on the alleged date of occurrence, came with arms on the land and assaulted him with leg and fists and also cut away maize crops standing in the field.

Learned counsel for the petitioner submits that a title suit is going on between the petitioner and the complainant and due to enmity; this false case has been lodged.

However, it is not the case that the offence is not disclosed from the complaint and enmity cuts both ways, so only on the ground of enmity, criminal case cannot be quashed. The application stands dismissed.

(Arun Kumar, J)

Sujit/-

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