

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35052 of 2015

Arising out of Complaint Case No.-C1-452 Year-2009 Thana- SITAMARHI COMPLAINT
CASE District- Sitamarhi

- =====
1. Jageshwar Raut
 2. Rajeshwar Raut, Both are sons of Late Jagarnath Raut, Resident of Village - Jajuar, Tola - Lakshmiur, P.S. - Katra, District -Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Chandra Raut, S/o Late Rudal Raut, Resident of Village - Jajuar, Tola - Lakshmipur, P.S. - Katra, District - Muzaffarpur at present residing in village - Sirsi, Narhari Tole, P.S. - Nanpur, District - Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 25-04-2018

Seeking quashing of Complaint Case bearing No. 452 of 2009 registered by the Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi vide order dated 22.09.2014 for offences under Sections 420, 467, 468 and 120B of the Indian Penal Code, this application has been filed.



On a perusal of the complaint and the material available on record, it is seen that Respondent No. 2 Subhash Chandra Raut, the complainant, had filed the complaint case on the ground that after death of Sri Jagarnath Raut, father of the petitioners, there has been certain dispute with regard to sharing of the property in question. Certain sale-deeds have been executed and alleging mala fide in obtaining the deed of gift, the complaint case has been filed.

However, records indicate that Title Suit between the parties are pending before the court of competent jurisdiction and the allegations made in the complaint is pertaining to right of the parties which is already pending consideration before the Title Suit.

Taking note of all these circumstances, I am of the considered view, that it is a case where a civil dispute between the parties, which is subject matter of the title suit, is being converted into a criminal dispute merely on the basis of vague and unspecified allegation and, therefore, it is a fit case where the indulgence into the matter should be made. That apart, inspite of issuing of notice and repeated adjournments, the respondent is not appearing and it seems that he is only interested in harassing the petitioners.



Keeping in view the aforesaid, the application is
allowed, the order dated 22.09.2014 passed in Complaint Case
No. 452 of 2009 is quashed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.05.2018
Transmission Date	

