

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20414 of 2015

Arising Out of PS. Case No.-1429 Year-2013 Thana- PURNIA COMPLAINT CASE District-
Purnia

- =====
1. Nazamuddin Son of Late Noor Mohammad
 2. Amiruddin Son of Nazamuddin,
Both resident of village- Mohammadpur, P.S. K. Nagar, District-
Purnea

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Faroque, Son of Late Tajmmul Hussain, resident of village-
Mohammadpur, P.S. K. Nagar, District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. R.P.S.Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

- 3 23-03-2018 Having heard learned counsel for the parties it is seen that
- on the vague and omnibus allegation that in the morning of
- 19.05.2013 when the complainant-opposite party no.2 was
- going through his field, the petitioners herein demanded a sum
- of Rs.1,50,000/- on account of sale of his wife's land, the
- complaint has been registered without there being any other
- allegation or material to show that an offence under Section 384
- of the Indian Penal Code is made out. On the contrary, on a
- perusal of the record it seems that there is a civil dispute with
- regard to possession of the land in question and in the garb of
- the aforesaid civil dispute on the vague allegation, as indicated
- hereinabove and as is evident from the statement of the



complainant on SA, the complaint has been registered.

In my considered view, a complete reading of the complaint does not make out an offence under Section 384 of the Indian Penal Code and at best it would be a civil dispute with regard to dispossession of the complainant or his wife from their land for which making a complaint is not a proper remedy.

Accordingly, finding an ingredient necessary for constitution of an offence under Section 384 of the Indian Penal Code not made out on a bare reading of the statement of the complainant, this application is allowed, order dated 17.07.2014 passed by the learned Sub-Divisional Judicial Magistrate, Purnea in Complaint Case No.1429 of 2013 stands quashed.

(Rajendra Menon, CJ)

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