

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53111 of 2015

Arising Out of PS.Case No. -1027 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Bibi Bulbul Khatoon, Wife of Md. Faizan Alam
2. Shree Ragubir Singh Son of Late Basant Singh
3. Ashok Singh Son of Raghubir Singh
4. Subash Singh Son of Raghubir Singh
5. Akhilesh Singh Son of Raghubir Singh
6. Kailash Singh Son of Raghubir Singh
7. Sashi Singh Son of Raghubir Singh
All Residents of Village Balaha, P.S. Bihpur (Bhawanipur), District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Maimuna Khatoon, Wife of Md. Aajbul, Resident of Village Balaha, P.S.
Bihpur (Bhawanipur), District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the State : Mr. S Dayal, APP
For Opp.Party No. 2 : Mr. Madan Mohan
: Ms. Pallavi Pandey

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 02-05-2018

Seeking quashing of an order dated 13.08.2015 passed by
the Judicial Magistrate 1st Class, Naugachia, taking cognizance for
offences under Sections 147, 448, 427 and 149 of the Indian Penal
Code in Complaint Case No. 1027 of 2012 this application has been
filed by the applicants.

On a perusal of the materials available on record it is
seen that a Title Suit was filed with regard to the property in
question and it is the case of the complainant that the applicants who



are her sisters and relatives have also sold her share of the property in an illegal manner.

On perusal of the body of the complaint it is seen that all the applicants and the complainant are members of the same family and the allegations are with regard to transfer of share in the property in question and their sale by the family members. The dispute in question is a civil dispute with regard to the share of the members in the family and no ingredients necessary for constitution a criminal offence is made out.

Accordingly, finding the complaint to be not maintainable as it is a case where a dispute civil in nature is tried to be converted into a criminal proceeding, this application is allowed. The proceedings in Complaint Case No. 1027 of 2012 pending before the court below are quashed.

(Rajendra Menon, CJ)

mrL/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03/05/2018
Transmission Date	

