

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15918 of 2015

Arising Out of PS. Case No.-208 Year-2012 Thana- JANDAHA District- Vaishali

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1. Vinod Kumar Singh Son of Muneshwar Singh
 2. Raj Kumar Singh Son of Muneshwar Singh
 3. Abha Raj Wife of Vinod Kumar Singh All are resident of village - Jandaha, P.S. Jandaha, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nageshwar Prasad Singh Son of Late Jayram Singh resident of village - Jandaha near Sarvodya Maidan, P.S. Jandaha, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan with Mrs. Bela Singh
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-06-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

“That this is an application for quashing the order dated
17.1.13 (Ann-3) passed by the Court of Chief Judicial
Magistrate, Vaishali at Hazipur in G.R. no. 4246/12, Tr.
no. 5782/2012/5084/14 arising out of Jandaha P.S. case
no. 208/2012, dated 12.10.12, by which learned Chief
Judicial Magistrate took cognizance for the offence
under section 341,323,504/34 of the Indian Penal Code



against these petitioners and summon has been issued against these petitioners.”

3. The allegation against the petitioners is that they have fraudulently got the land belonging to the father-in-law of the opposite party no. 2 (informant) and when he had gone to the disputed land he was assaulted which resulted in fracture in the hand of the son of opposite party no. 2 and it is further alleged that gold chain and earrings as also Rs. 2800/- cash was snatched away. It is also alleged that threat was given to the complainant and his mother-in-law to leave the land in question.

4. Learned counsel for the petitioners submitted that petitioner no. 1 was looking after the father-in-law of the opposite party no. 2 and out of love and affection, he had gifted the landed property. It was further submitted that initially also there was a criminal case filed by the mother-in-law of the opposite party no. 2 which was quashed and further that title suit between the parties is pending.

5. Learned APP submitted that the late father-in-law of the opposite party no. 2 had three daughters and, thus, it is unbelievable that he would have given the entire landed property to his nephew i.e., petitioner no. 1. It was further submitted that the Court, after perusal of the material before it, has taken cognizance and only during trial it can be established as to whether



the petitioners are innocent. It was submitted that cognizance taken has nothing to do either with the title suit or the gift which would be decided in the civil suit. However, it was submitted that in the present case cognizance has been taken only for offences relating to causing hurt, wrongful restraint and intent to provoke breach of peace.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any error in the order impugned. Accordingly, the application stands dismissed.

7. It goes without saying that the petitioners shall be entitled to raise all points available to them before the Court below which shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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