

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8745 of 2019

Arising Out of PS. Case No.-553 Year-2006 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Amit Kumar @ Goldi Singh, aged about 37 years, Male.
 2. Ashish Vatsa @ Tishu Singh, aged about 35 years, Male.
Both are sons Late Shambhu Sharan Singh, resident of village-Sareya, P.S and Distt.-Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar.
2. Pankaj Singh S/o Late Jagat Narain Singh, resident of village-Kukur Bhuka, P.S and Distt.-Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the State	:	Mr. Pancha Nand Pandit, APP
For the Opp. Party No.2	:	Mr. Vikash Kumar Shukla, Advocate
		Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 24-07-2023

This application has been filed for quashing of the order dated 06.09.2018 passed by learned 1st Additional Sessions Judge, Gopalganj, in Criminal Revision No.476 of 2008, by which the learned Court below has dismissed the said Revision Application and affirmed the order dated 20.08.2008 passed by learned Judicial Magistrate, 1st Class, Gopalganj, in Complaint Case No. 553 of 2006, whereby and whereunder the learned Magistrate found *prima facie* case against the petitioners and ordered for issuance of summons for their appearance.

2. The prosecution case is that the original complainant Jagat Narain Singh (now deceased) had filed complaint petition stating therein that he had purchased 1 Katha



and 10 Dhurs of land and out of which he sold 1 katha of land to one Surendra Singh. On 18.04.2006 while the complainant was erecting pillar for boundary wall over his rest 10 dhurs of land, all of a sudden, all the accused persons came and started assaulting the complainant and his labourers. The accused persons assaulted the complainant with fist, slaps and *danda* and also took away Rs.2000/- from his pocket which he kept for payment of labour cost. They also took away bricks, cement and rod worth Rs.10,000/-.

3. It has been submitted by learned counsel for the petitioners that the present case has been lodged malafidely as there was a civil dispute between the parties which has abated. It has also been submitted that from reading of the complaint petition, it appears that no offence is made out against the petitioners and the allegations are frivolous.

4. Learned counsel for the opposite party no.2 has submitted that the petitioners have caused injury to the original complainant and they are still disturbing the opposite party no.2.

5. I have considered the submissions of the parties. I have also perused the materials available on record including the complaint petition. The present complaint case is



of the year 2006. Even after seventeen years, there has been no substantial progress in the case for commission of petty offence. Moreover, from a plain reading of the complaint petition, it appears that there is no specific allegation against these petitioners and the alleged occurrence took place on account of a land dispute.

6. In view of the above, this application is allowed and the Complaint Case No.553 of 2006 registered under Sections 323, 341 and 379 of the Indian Penal Code and all consequential proceedings arising out of the aforesaid complaint case including the order dated 06.09.2018 passed by learned 1st Additional Sessions Judge, Gopalganj in Criminal Revision No.476 of 2008 and the order dated 20.08.2008 passed by learned Judicial Magistrate, 1st Class, Gopalganj are quashed with respect to present petitioners only.

7. It is expected that the petitioners do not disturb the opposite party no.2 in future and in case, they disturb, the opposite party no.2 will approach the Police.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	25 .07.2023
Transmission Date	25 .07.2023

