

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38820 of 2015

Arising Out of PS. Case No.-804 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Bhrigusharan Varma and Ors. Son of Yatendra Nath Varma.
 2. Himanshu Sharan Varma @ Himanshu Varma Son of Bhrigusharan Varma. Both are resident of Village- Bankatawa, P.S. Bagaha, District- West Champaran.
 3. Satan Yadav Son of Late Sahadeo Yadav.
 4. Harendra Yadav Son of Satan Yadav.
 5. Amarjeet Yadav Son of Satan Yadav. All are resident of village Jamunapur, P.S. Laukariya, District- West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Lal Bahadur Sah Son of Chokat Sah, resident of village- Jamunapur P.S. Laukariya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra
For the Opposite Party/s : Mr. Madhuri Lata app
For the O.P. No. 02 : Mr. Vijay Kr. Singh No. 01

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 19-04-2023 Heard the parties.

This application has been filed on behalf of the petitioners for quashing the order dated 11.02.2015 passed by learned Judicial Magistrate, 1st Class, Bagaha (West Champaran) in connection with Tr. No. 1379 of 2015 arising out of Complaint Case No. 804 of 2014.

The case of the petitioners is that the petitioners has earlier filed an FIR against them vide Laukaria P.S. Case No. 08 of 2014 and this complaint is a counter blast to the same.

Learned counsel for the petitioners also submits that there is bona fide dispute between the parties and the same can



only be a civil dispute and not a criminal dispute and he also relied upon a judgment of the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bhajanlal reported in 1992 SC 604* for quashing.

Learned counsel for the O.P. No. 02 submits that the petitioner had entered into an agreement with the Opposite Party No. 02 for settling one Gairmajarua land, which they cannot settle in favour of the Opposite Party No. 02.

It appears that the dispute between parties is civil in nature and it also appears that the present complaint is nothing but a counter blast to the FIR in question.

Considering the aforesaid facts and also considering the law laid down by the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bhajanlal* (Supra), this application is allowed.

Accordingly, the the order dated 11.02.2015 passed by learned Judicial Magistrate, 1st Class, Bagaha (West Champaran) in connection with Tr. No. 1379 of 2015 arising out of Complaint Case No. 804 of 2014, is hereby quashed.

(Sandeep Kumar, J)

Vikas/Shishir

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