

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12362 of 2017

Arising Out of PS. Case No.-48 Year-2014 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Pankaj Mishra son of late Prem Chandra Mishra
 2. Shail Kumari @ Shail Mishra @ Shail Kumar Mishra wife of Late Prem Chandra Mishra
 3. Tuddu Devi @ Tudhi Devi wife of Pankaj Mishra All Sl. Nos. 1 to 3 are residents of village Raj Patti, Ward No. 8, P.S. - Dighwara, District - Saran, Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ram Pravesh Singh son of late Raj Vallabh Singh resident of village - Fatehpur Sahbajpur, P.S. - Raghobpur, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey
For the Opposite Party/s : Mr.Sri Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-09-2023 Heard the parties.

2. The present application has been filed for quashing of the order dated 30.07.2015 passed in Complaint Case No. 48(C) of 2014 (Tr. 7543/15/2783/16) by Judicial Magistrate, 1st Class, Vaishali at Hajipur by which cognizance under Sections 323, 341, 417, 467, 506 and 120B of the Indian Penal Code.

3. As per prosecution, complainant has purchased 1.33 acres land at Mauja Rampur and 1.10 acres land at Mauza Fatehpur through registered sale deeds dated 19.12.1984 and 07.01.1986 respectively from Mahavir Choubey and he is in possession of both plots. Petitioner no. 2 is the daughter of late



Mahavir Choubey and petitioner no. 1 is son of late Mahavir Choubey and petitioner no. 3 is daughter-in-law. After death of Mahavir Choubey on 01.11.1994, all the petitioners under conspiracy in order to grab the purchased land of the complainant got prepared forged death certificate of late Mahavir Choubey showing his death on 27.10.1979 while Mahavir Choubey had appeared as a witness on 09.03.1983 in the court of Munsif II, Hajipur in Title Suit No. 248 of 1974/84 of 1981. When complainant came to know about this fact in November, 2014, he obtained papers and came to know that petitioners are talking to sale the land of Khata No. 236, Plot Nos. 758 and 1838 situated in village Fatehpur. On protest, the complainant was abused and warned by the petitioners while he was paying rent to Government of Bihar. Hence he lodged Complaint Case No. 48(C) of 2014 (Tr. 7543/15/2783/16) against the petitioners.

4. This application is dismissed with liberty to the petitioners to raise all the grounds at the stage of framing of charge, if available under law.

(Sandeep Kumar, J)

Ranjeet/-

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