

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42503 of 2015

Arising Out of PS. Case No.-330 Year-2012 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Chandeshwar Gope and Ors S/o Late Makun Gope
 2. Mukesh Gope @ Mukesh Kumar S/o Chandeshwar Gope
 3. Krishan Gope S/o Chandeshwar Gope
 4. Navin Gope @ Navin Kumar S/o Krishan Gope All are Resident of Village Kesoura, Police Station Chandi, District Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Naresh Prasad S/o Late Tripit Gope Resident of Village Kesoura, Police Station Chandi, District Nalanda.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57818 of 2015

Arising Out of PS. Case No.-896 Year-2011 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Mukesh Gope and Ors. Son of Chandeshwar Gope
 2. Krishna Gope Son of Chandeshwar Gope null
 3. Navin Kumar Son of Krishna Gope
 4. Chandeshwar Gope Son of Late Makun Gope All are Resident of Village- Kesoura, P.S.-Chandi, District-Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Naresh Prasad Son of Late Tripit Gope All are Resident of Village-Kesoura, P.S.-Chandi, District-Nalanda.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42503 of 2015)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Smt. Anita Kumari Singh App

(In CRIMINAL MISCELLANEOUS No. 57818 of 2015)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh 1App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR



ORAL ORDER

3 03-08-2023

Re. Cr. Misc.- 42503 of 2015

2. Learned counsel for the petitioner submits that the petitioner no. 1 has died so he seeks permission to withdraw the application on behalf of petitioner no. 1.

3. Accordingly, this application is withdrawn on behalf of the petitioner no. 1.

4. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor.

5. This application is filed for quashing of the order dated 09.05.2013 passed by the Judicial 1st Class Hilsa, Nalanda, whereby and whereunder the learned Magistrate has taken cognizance against these petitioners under section 321, 379, 541 of the Indian Penal Code in Complaint Case No. 330© of 2012.

6. As per the prosecution story, the allegation against the petitioner is that they have taken away the wheat from the complainant farm land.

7. It has been submitted by the learned Counsel for the petitioners that the complainant after every agriculture season files a false complaint case. Earlier two cases have been quashed by this Court vide Cr. Misc. No. 2164 of 2015 and Cr.



Misc. No. 33932 of 2011. Moreover, the prosecution has been quashed which was filed on behalf of the opposite party no. 2.

8. In the present case also all the facts are same as that of previous one i.e. the dispute, the sale deed and the complainant. For the reasons mentioned in the Cr. Misc. No. 2164 of 2015 and Cr. Misc. No. 33932 of 2011, this application is allowed.

9. Accordingly, the order dated 09.05.2013 passed by the Judicial 1st Class Hilsa, Nalanda, in connection with Complaint Case No. 330© of 2012 is hereby quashed.

10. It is advisable that the parties should settle their dispute in the Civil Court by filing a Civil Suit and praying for injunction.

Re. Cr. Misc. 57818 of 2015

12. Learned counsel for the petitioner submits that the petitioner no. 4 has died so he seeks permission to withdraw the application on behalf of petitioner no. 4.

13. Accordingly, this application is withdrawn on behalf of the petitioner no. 4.

14. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor.



15. This application is filed for quashing of the order dated 30.04.2012 passed by the Judicial Magistrate, 1st Class, Hilsa, Nalanda, in connection with Complaint Case No. 896© of 2011 whereby and whereunder the learned Magistrate has taken cognizance against these petitioner under Sections 447 and 379/34 of the Indian Penal Code.

16. As per the prosecution story, the allegation against the petitioner is that they have taken away the paddy crop from the farm land of the complainant.

17. It has been submitted by the learned Counsel for the petitioners that the complainant after every agriculture season, files a false complaint case. Earlier two cases have been quashed by this Court vide Cr. Misc. No. 2164 of 2015 and Cr. Misc. No. 33932 of 2011. Moreover, the prosecution has been quashed which was filed on behalf of the opposite party no. 2.

18. In the present case also all the facts are same as that of previous one i.e. the dispute, the sale deed and the complainant. For the reasons mentioned in the Cr. Misc. No. 2164 of 2015 and Cr. Misc. No. 33932 of 2011, this application is allowed.

19. Accordingly, the order dated 30.04.2012 passed by the Judicial Magistrate, 1st Class, Hilsa, Nalanda, in



connection with Complaint Case No. 896© of 2011 is hereby
quashed.

20. It is advisable that the parties should settle their
dispute in the Civil Court by filing a Civil Suit and praying for
injunction.

(Sandeep Kumar, J)

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