

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46447 of 2015**

Arising Out of PS. Case No.-1020 Year-2011 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Chandeshwar Gope Son of Late Makun Gope,
 2. Mukesh Gope @ Mukesh Kumar, Sons of Chandeshwar Gope,
 3. Krishna Gope, Son of Chandeshwar Gope,
 4. Navin Gope @ Navin Kumar Son of Krishan Gope, All are resident of village - Kesoura, Police Station - Chandi, District- Nalanda

... .. Petitioner/s

Versus

1. State Of Bihar
2. Naresh Prasad, Son of Late Tripit Gope, Resident of village - Kesoura, Police Station - Chandi, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.R.B.Roy Raman APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-08-2023 1. This is an application filed for quashing of the order dated 05.07.2012 passed by S.D.J.M., Hilsa, Nalanda by which the learned Magistrate took cognizance against the petitioners under Sections 147, 148, 149, 323, 379, 504/34 of the I.P.C. in Complaint Case No. 1020(c) of 2011.

2. As per the complaint, the allegation against the petitioners is that they went to the land of the complainant and took away paddy crops worth Rs. 1500/- and pipe worth Rs.



1500/- and the petitioners threatened the complainant for dire consequences if he will inform the police.

3. Learned counsel for the petitioners submits that the petitioners and the complainant are co-villagers and they have a dispute on a piece of land.

4. Learned counsel for the petitioners further submits that the land in question belongs to one *Sri Bhagwat Mahto* and he further submits that the petitioners purchased the said land from *Sri Bhagwat Mahto*.

5. Learned counsel for the petitioners further submits that earlier case has been quashed by this Court vide Cr. Misc. No. 2164 of 2015. Moreover, the prosecution has been quashed which was filed on behalf of the O.P. No. 2.

6. Learned counsel for the complainant submits that at the stage of cognizance, only prima facie case is to be looked into and the probable defence can be examined at the stage of trial itself.

7. On the basis of claim of the parties over the referred land, it is evident that this is a case of purely civil dispute and the criminal prosecution has been brought just to put pressure with mala fide intention.

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, this application is allowed.

9. Accordingly, the order dated 05.07.2012 passed by S.D.J.M., Hilsa, Nalanda in connection with Complaint Case No. 1020(C) of 2011 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.

(Sandeep Kumar, J)

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