

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47871 of 2015

Arising Out of PS. Case No.-12 Year-2015 Thana- KASIMBAZAR District- Munger

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1. Sunil Singh and Ors Son of Ram Pukar Singh
 2. Anil Kumar Singh Son of Ram Pukar Singh
 3. Suchitra Singh Wife of Late Murari Singh
 4. Ranjana Devi @ Rajani Devi Wife of Anil Singh
 5. Chanda Kumari Daughter of Anil Singh
 6. Khushboo Kumari Daughter of Anil Singh
 7. Suraj Singh Son of Anil Singh
 8. Akash Singh @ Akash Singh Son of Anil Singh.
All Resident of Bindwara, P.S. Kashim Bazar, District - Munger

... .. Petitioners

Versus

1. The State Of Bihar.
2. Jatadhari Singh, S/o Ram Pukar Singh, R/o Bindwara, P.S. Kasim Bazar,
District- Munger.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.
For the State	:	Mr.A. Dayal, APP
For the O.P. No. 2	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-09-2023 No one appears on behalf of the petitioners.

2. Learned counsel for the State as well as learned
counsel for informant- O.P. No. 2 are present.

3. By filing this application the petitioners have
challenged the order dated 23.02.2015 passed by the learned
Judicial Magistrate, 1st Class, Munger in G.R. No. 91 of 2015
whereby and whereunder, after perusal of the case diary and the
chargesheet submitted against the accused persons the learned
Court has taken cognizance and decided to issue summons to



the accused who are petitioners before this Court.

4. Since no one has appeared on behalf of the petitioners and this matter pertains to the year 2015, considering that this is an old matter of about 8 years old, this Court has gone through the averments made in the petition and the pleadings available on the record.

5. It appears on perusal that the petitioner no. 1 and the informant are brothers and rest of the family members are close relatives of the informant being mother and brothers of the informant. It appears that the parties are not maintaining good relationship. The petitioner no. 1 lodged a complaint with the Superintendent of Police on 11.01.2015 wherein he alleged that one of his brothers namely Jatadhari Singh along with some others had abused and manhandled the other occupants of the house including the petitioner no. 1 and his wife. He denies that any occurrence as alleged by the informant has taken place. His submission is that the entire investigation has been carried out when he and his wife were away to the United States.

6. This Court has perused the First Information Report. As per the allegations, the petitioner nos. 2 to 8 entered into the house of the informant lashed with weapons and damaged the doors, gas stove, bench, chair, table and other



articles of the household of the informant. It is alleged that the petitioner no. 7 ousted the wife and the little child from the house by pointing a pistol on their head and thereafter he locked the room. It is alleged that the petitioner no. 2 told the informant that all these things have been done in compliance with the order of the petitioner no. 1. The informant went to Kasim Bazaar Police Station from where one Dubey Ji came with him and thereafter a reconciliation took place whereafter locks were opened but thereafter once again the accused persons did the same thing and locked the rooms.

7. On a bare perusal of the F.I.R., this Court finds that so far as the first part of the occurrence which allegedly took place on 09.01.2015 is concerned, thereafter the parties had a reconciliation with the intervention of one Dubey Ji. But, then it is alleged that once again the locks were placed on the doors.

8. The materials available on the record are clearly showing that there is a dispute between the parties over sharing of ten rooms in joint family property and the parties are fighting over their respective shares. The petitioners have taken a plea that since there are five shareholders, each one of them can have two rooms. The entire dispute is over partition of the family property.



9. Police has not found any case under the Arms Act, therefore, the story alleged in the F.I.R. that the petitioner no. 6 had ousted the informant's wife and little child by pointing pistol on their head has not been substantiated in course of investigation.

10. Learned counsel for the Opposite Party No. 2 is present. Learned counsel submits that no doubt the parties are full brothers and the dispute has arisen on account of sharing of the house property, the fact remains that the allegations against the petitioners have been prima-facie proved. It has also been indicated that after this case, perhaps presently the parties have developed better relationship.

11. Having regard to the entire facts and circumstances of the case, the kind of allegations present in the F.I.R. which are indicating towards a dispute between full brothers over a house property and after investigation some of the parts of the F.I.R. has not been substantiated in course of investigation. As also on finding that after this case, the parties have developed a good and better relationship, this Court is of the considered opinion that continuance of prosecution of the petitioners in these circumstances would only be an abuse of the process of Court. The interest of justice also requires that such



kind of dispute between the brothers be put to an end.
Accordingly, the impugned order dated 23.02.2015 passed by
learned Judicial Magistrate, 1st Class, Munger in G.R. No. 91 of
2015 is hereby quashed.

12. This application is allowed.

(Rajeev Ranjan Prasad, J)

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