

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26079 of 2015

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Umesh Kumar and Ors Son of Madni Kr.
 2. Manoj Kr. Son of Umesh Kr.
 3. Amit Kr. Son of Umesh Kr. All resident of village - Telghi Tola Ramgarh Police Station - Kharik, District - Bhagalpur

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ram Chandra Kumar Son of Akhileshwar Kumar resident of village - Telghi Tola Ramgarh Police Station - Kharik, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioners.

None appears for the opposite party no.2 despite valid service of notice.

This application has been filed for quashing of the order dated 03.07.2014 passed by learned Sub Divisional Magistrate, Naugachiya, in Case No. 656 of 2014, by which the learned Magistrate has converted the proceeding of the case under section 144 and 145 of the Criminal Procedure Code.

It has been submitted by learned counsel for the petitioner that the entire proceeding is bad in law as the subject matter of dispute is pending in the civil suit. He further submits



that if the other side had any grievance, he should have filed an application in the pending civil proceeding.

Considering the aforesaid submission, this application is allowed and the order dated 03.07.2014 passed by learned Sub Divisional Magistrate, Naugachiya, in Case No. 656 of 2014, is hereby quashed.

(Sandeep Kumar, J)

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