

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11919 of 2017**

Arising Out of PS. Case No.-27 Year-2015 Thana- DAUDNAGAR District- Aurangabad

Rajendra Prasad Ojha and Ors

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-09-2023 Heard the learned counsel for both the parties.

2. This is an application for quashing the order taking cognizance dated 29.01.2016 passed in Doudnagar P.S. Case No. 27 of 2015(arising out of Complaint Case No. 498/2014) passed by learned S.D.J.M. Daudnagar by which learned court below took cognizance for the offences under Sections 341, 323, 420, 423, 465, 467, 468, 120B and 34 of the I.P.C. against the petitioners.

3. Informant is the son of the petitioner no. 1. The other petitioners are the purchasers from the father and connected persons who are involved in the purchase of the land from the father.

4. From the prosecution, it appears that civil dispute has been given a color of criminal offence and the entire



allegations seems to be dispute between father and son over the property. Partition Suit No. 231 of 2008 is pending between the informant and his father.

5. This kind of malicious prosecution should not continue.

6. Accordingly, this application is allowed and order taking cognizance dated 29.01.2016 passed in Doudnagar P.S. Case No. 27 of 2015(arising out of Complaint Case No. 498/2014) passed by learned S.D.J.M. Daudnagar and the entire prosecution of all the accused persons is hereby quashed.

(Sandeep Kumar, J)

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