

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27241 of 2017

Arising Out of PS. Case No.-63 Year-2008 Thana- SIMRI District- Buxar

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1. Gulab Chand Chaudhary
 2. Bhola Choudhary,
 3. Premchand Chaudhary, All are Sons of Kamla Chaudhary,
 4. Binod Choudhary , Son of Bhola Chaudhary,
 5. Sanjay Choudhary , Son of Prem Chand Chaoudhary,
 6. Saroj Choudhary, Son of Ram Kumar Choudhary, All are Residnet of Village- Badka Singhanpura, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajaram Gond S/o Vishwanath Gond R/o Village-Badka Singhanpura, PS-Simri, District-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-01-2024 **1.** Heard learned counsel for the petitioners and learned APP.

2. The learned counsel for the petitioners submits that notices were issued on OP No. 2 and despite notice being validly served on OP No. 2, the OP No. 2 chooses not to appear and contest the case.

3. It is next submitted that the present quashing application has been filed seeking quashing of the order dated 12-7-2008/14-7-2008 passed by the learned ACJM-III, Buxar in



Simri PS Case No. 63 of 2008, GR No. 577 of 2008, whereby cognizance of offence under Sections 341, 342, 323, 324 and 34 of the IPC has been taken.

4. The learned counsel next submits that petitioners have been falsely implicated in the aforesaid FIR by the OP No. 2. It is next submitted that on account of land dispute in between the petitioner and the informant, the informant had encroached certain portion of the land of the petitioner for which an encroachment case was instituted, in which OP No. 2 was directed to remove the encroachment, but the OP No. 2 instead of removing the encroachment filed the present false criminal case with a view to coerce the petitioner into submission. It is further submitted that though in the FIR it is alleged that six accused persons assaulted the informant but from perusal of the injury report, it would manifest that no such injury was caused. The learned counsel further submits that since the OP No. 2 had instituted the present false case with a malicious intention, as such despite receiving notice, he chooses not to appear and contest the case. It is also submitted that a civil dispute has been given a criminal case.

5. The learned APP opposes the quashing application.

6. Considering the submission made for the petitioner,



the order dated 12-7-2008/14-7-2008 passed by the learned
ACJM-III, Buxar in Simri PS Case No. 63 of 2008, GR No. 577
of 2008, whereby cognizance of offence under Sections 341,
342, 323, 324 and 34 of the IPC has been taken, is hereby
quashed.

(Satyavrat Verma, J)

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