

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46830 of 2021

Arising Out of PS. Case No.-457 Year-2019 Thana- COMPLAINT CASE District- Supaul

1. Chandrashekhar Mandal, S/O- Late Sitaram Mandal R/O- Belhi, P.S. - Marauna, Distt. - Supaul.
2. Shambhu Prasad Mandal, S/O- Chandrashekhar Mandal R/O- Belhi, P.S. - Marauna, Distt. - Supaul.
3. Vijay Kumar Mandal, S/O Chandrashekhar Mandal R/O- Belhi, P.S. - Marauna, Distt. - Supaul.
4. Sanjay Kumar Mandal, S/O- Chandrashekhar Mandal R/O- Belhi, P.S. - Marauna, Distt. - Supaul.
5. Lila Devi, W/O- Chandrashekhar Mandal R/O- Belhi, P.S. - Marauna, Distt. - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SRI PRASAD MANDAL S/O Bachelal Mandal R/o- Belhi, P.S. - Marauna, Distt. - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shailendra Kumar Singh
For the Opposite Party/s :	Mr.Ajay Kumar Jha
	Mr.Kuldeep Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2024 1. Heard learned counsel for the petitioners,

learned counsel for the opposite party no.2 and learned APP

for the State.

2. The learned counsel for the petitioners submits

that the present quashing application has been filed seeking

quashing of the order dated 03.03.2020 passed by the

learned C.J.M., Supaul in Complaint Case No.457C of 2019,



whereby cognizance of offence under Sections 341, 323, 504 and 34 of the I.P.C. has been taken.

3. The learned counsel for the petitioners submits that the petitioners and the opposite party no.2 are related and they are having dispute relating to a piece of land. It is next submitted that the opposite party no.2 along with Jiyalal Mandal had filed Title Suit No.32 of 2005 in the Court of the learned Sub-Judge-1, Supaul against the petitioners, herein, in respect to a piece of land appertaining to Khata No.119, Khesra No.1152, area 03 kattha and 05 Dhur. It is next submitted that the suit was dismissed by a judgment dated 20.06.2017 and accordingly, decree dated 03.07.2017 was prepared against which the opposite party no.2 and others filed Title Appeal No.41 of 2017 in the Court of the learned District Judge, Supaul, which is pending adjudication. It is next submitted that after the Title Suit was dismissed, the petitioners, herein, started construction on the land in question, which was opposed by the opposite party no.2, which led to an altercation, hence an application in this regard was filed by the petitioner no.1 before the



Gram Kachahri on 28.05.2019 and thereafter, the present complaint case came to be instituted with exaggerated allegation. It is next submitted that petitioner no.2 is a Government Teacher and petitioner no.3 is employed with the Railways at Kolkata. It is next submitted that since the petitioner nos.2 and 3 are Government Employees, as such, they have been falsely implicated in the present case with exaggerated allegations in order to coerce the other family members into submission.

4. The learned counsel for the petitioners further submits that what is not disputed rather stands admitted is that there is a dispute relating to a piece of land as recorded herein above, the petitioners have succeeded in the Title Suit against which the opposite party no.2, herein, along with others have filed a Title Appeal. It is further submitted that since the Title Suit filed by the opposite party no.2 and others was dismissed, as such, the Title Suit was decided in favour of the petitioners and accordingly, they had gone on the land with a view to mark boundary for the purposes of construction on which an altercation took place. It is further



submitted that the petitioner no.1, thereafter approached the Gram Kachahri bringing to its notice the act committed by the opposite party no.2. The learned counsel next submits that though there is allegation of assault, but then, there is no injury report on record which amply demonstrates that the allegation was an exaggerated one. It is also submitted that allegation of touching the wife of the opposite party no.2 inappropriately and breaking of the *Tatti* and assault are ornamental in nature. It is further submitted that this perhaps explains why the opposite party no.2 did not institute an F.I.R. or else the police would have investigated the case finding it to be false, as such, a complaint case was instituted.

5.The learned Additional P. P. along with the opposite party no.2 opposes the submissions made by the learned counsel for the petitioners, but are not in a position to rebut his submission with regard to the Title Suit and that no injury report is on record.

6. Considering the submissions made by the learned counsel for the petitioners, the order dated



03.03.2020 passed by the learned C.J.M., Supaul in Complaint Case No.457C of 2019, whereby cognizance of offence under Sections 341, 323, 504 and 34 of the I.P.C. has been taken, is hereby quashed.

(Satyavrat Verma, J)

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