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INVESTIGATION OFFICE
FORM NO. (B) 30 (OLD NO. (M) 100) - 2003
ORDER SHEET FOR MAGISTRATES RECORDS - 2003

Court of Miss Juhi Sharma
Judicial Magistrate Second Class, Muzaffarpur (East)
C-538/2019

Serial Number of Order	Date of Order	Order with Initials of Magistrate	Order note as in section 106(1) or other statutory order
1	26.04.2022	<p>The complainant is present in court along with her Id. Counsel. A date recall petition along with a withdrawal petition on behalf of the Complainant is filed by the Id. Counsel for the complainant before this court.</p> <p>The petitioner submits that the date of the case is fixed for 07.05.2022 and in the recent development of this case the dispute is compromised between the parties outside the court. The complainant further submits that she had filed this case against Shri Dinesh Prasad Singh and with the efforts of Dispute-Eater the dispute is settled outside court. She has received Rs. 3,50,000/- from the accused namely Shri Dinesh Prasad Singh in two instalments of Rs. 2,00,000/- on 15.03.2022 and Rs. 1,50,000/- on 24.04.2022 each, respectively. The original sale deed dated 04.04.2014 (Deed no. 7697) executed by Shri Dinesh Prasad Singh in favour of Raji Ahmad who is the complainant's husband is handed over by the Complainant to Shri Dinesh Prasad Singh through Mr. Priyadarshani Shahi. It is further submitted that the complainant doesn't want to contest this case further and in the above mentioned circumstances she wants to withdraw the case. The complainant has prayed that the date be recalled and be permitted to withdraw the case against both the accused persons. Heard the Id. Counsel for the complainant and perused the case record. On perusal it transpires that this instant case is running at the stage of hearing on the point of cognizance. The complainant Bilkish Khatoon w/o Late Razi Ahmad r/o brahman toli PS town Dist. Muzaffarpur has filed this case against two accused persons namely Dinesh Prasad Singh s/o Late Bishwanath Prasad Singh and Pintu Kumar s/o Dinesh Prasad Singh both r/o r/o Vill. Rohua Raja Ram. P.S. Mushabri District Muzaffarpur u/s 323,324,354,406,420 & 34 of IPC.</p> <p>The brief facts of the complaint are that the husband of the Complainant had purchased a land bearing Khata 135 plot no. 1183 area 16 dismai boundary North- Baidhaya Nath Singh, South - Hira Prasa Singh, East - Shyam Sundar Singh, West - Rahman Tulla Miyan on 04.04.2014. Both the accused persons assured the husband of the complainant that the land is free from all encumbrance so the husband of the complainant paid the consideration money and the accused no 1 Dinesh Prasad Singh, executed the sale deed in the favour of complainant's husband Razi Ahmad on 04.04.2014. The land also got mutated in favour of the husband of the complainant on 10.08.2014. Later on, due to serious illness, husband of the Complainant died on 21.09.2017, said death certificate issued on 11.01.2018.</p> <p>After that the complainant visited the office of Halka Karnachari on several occasions to receive the rent receipts but did not get the same and was told that the Zamabandi of the said land was nil and rent receipt could not be issued in her name. The complainant along with the witnesses then went to the house of the accused persons to enquire about the same listening to which the accused persons became angry and started abusing and using filthy language for her and the accused no. 2 Pintu Kumar pushed her as a</p>	3



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result of which she fell down and got hurt. Aggrieved of this she then filed this instant Complaint case.

During inquiry, the complainant got herself examined on oath under section 209 of Cr.P.C. In enquiry u/s 202 of Cr.P.C the complainant has produced three witnesses, CW 1 Mukesh Kumar, CW 2 Aditya Raj and CW 3 Md. Shabbir Quraishi.

On perusal of the Complaint petition, SA of the Complainant, Statement of witnesses under the enquiry of section 202 Cr.p.c. the fresh statement of the Complainant on 26.04.2022 and the petition for withdrawal filed by the Complainant it appears that the Complainant does not want to proceed with the case any further due the factum of compromise as stated in the withdrawal petition and the fresh statement of the complainant recorded in court on 26.04.2022. She has clearly stated in her statement that her husband purchased the aforementioned land from the accused persons by paying a consideration of Rs 3,50,000/- Her husband died due to serious illness in 2017 after which she filed this case. Now, she has compromised with the accused persons out of court and she doesn't want to proceed with the case any further. She has received the amount of Rs 3,50,000/- and handed over the original sale deed to the accused persons. She has denied any incident to have taken place and denied all the allegations levelled against the accused persons by her.

In light of the above mentioned circumstances and the factum of compromise between the parties this case appears to be devoid of any merits and there is no point in proceeding further against the accused persons. Since the complainant herself is not interested in proceeding with this case further and denied clearly in her statement, in court, all the allegations against the accused persons. This court comes to the conclusion that there is no prima facie material on record to proceed against the accused persons namely Dinesh prasad Singh and Pintu Kumar u/s 323,324,354,406,420 & 34 of IPC.

The date recall petition is allowed and this complaint case is hereby dismissed u/s 203 of Cr.P.C.

Juhi Sharma
26/04/22

Juhi Sharma

J.M.S.C.



Prepared by
A/P
24/6/22
ASST

comparative
24/6/22

Certified to be True Copy
Authorised V/S 78 Act 1872

Head Clerk
Civil court, Muzaffarpur

26/06/22