

Judgement & Order

14.03.2024

Sh. Mahtab Aalam, SDPO, Sadar Bettiah along with Sh. Madan Mohan Rai, the complainant are present today before the Commission. Heard both parties.

2. The complainant in his detailed complaint has alleged the police has supported Land Mafias and his several F.I.Rs were considered as land dispute. He submits his land was taken by the Land Mafia by impersonating him and even mobile tower was erected thereon. Forged documents were prepared by the other sides and Police has ignored documents.

3. It is further alleged by the complaint that his F.I.R no. 231/2023 is not properly investigated by the Police as Police failed to apprehend the accused thereon. This F.I.R is in respect of 14 Katha land belonging to the complainant which was sold by some imposters.

4. By reports dated 01-03-2024 and 14-03-2024, the Police Department is pointed out factual position by the stating that crime no. 556/2021 is registered on the basis of the F.I.R lodged by the complainant and counter case bearing crime case no. 567/21 is registered on the basis of the F.I.R lodged by the Ramanand Sharma

being civil disputes, came to be closed by submitting closure report. This submission is counter by the complaint by submitting the Closure report is rejected by the Criminal Court and cognizance of the offence is taken by the said Court.


5. Police report further states that two more offences were registered in this matter. Crime case no. 209/22 is registered on the basis of the report lodged by the complainant whereas, counter case no. 217/22 is registered on the basis of the F.I.R lodged by Phoolmati Devi against the present complainant. Police submits that in both these cases , closure report has been filed in the concerned Criminal Court. To this submission the complainant who is present before the Commission submits that he has filed protest petition. However, in not a position to disclose the result of that protest petition.

6. It is thus clear that these matters are sub-judice before the concerned Criminal Court even as per the statement of the complainant who is present before the Court. It is settled position of law that once the subject matter is pending before the competent Court, this Commission cannot pass any order in such matter, as that results in passing conflicting orders by the two different authorities. Such course of action is not permissible in law. The complaint in that regard is premature as such is closed.

m1

7. During the course of hearing the complainant has pointed out that after filing of this complaint, he had lodged another F.I.R regarding sale of 14 Katha of land by the forging the document and by Impersonating. According to him the Police case no.231/23 is registered at Bettiah Nagar PS, Bettiah. As this crime is not the subject matter of the present complaint, rightly Mr. Mahtab Aalam, SDPO, Sadar Bettiah is not a position to give present status of this F.I.R. In the interest of justice this Commission has requested Mr. Mahtab Aalam, SDPO, Sadar Bettiah to see that this offence is properly investigated the offenders are arrested, if the law permits for the same. If actionable material is found against them, the investigation of this offence should be taken to the logical end by the filing the Police report 173 of the Cr. PC. Mr. Mahatab Aalam , SDPO, Bettiah, makes statement that he will see that the these observations are followed in their true letters and spirit.

8. With this above observations and order, the complaint stands disposed of. Copy of this order be sent to both parties.


(Justice Ananta Manohar Badar, Retd.)
Chairperson