

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8686 of 2012

Arising Out of PS.Case No. 83 of 2010 Thana Sasaram (Model) District- SASARAM (ROHTAS)

Sheshnath Chaurasia, S/O Late Jagan Chaurasia @Jagan Ram, R/O Moh-Kabirganj
Dharamshala Road, Sasaram, P.S. Sasaram(T), Distt-Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sheo Lal Singh, son of late Ramanand Singh, resident of Muhallah-Gajrarh,
Gaurakshani (Sasaram), P.S. Sasaram (T), Distt. Rohtas.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanan Roy, Adv.

For the State : Mr. J. Upadhayay, A.P.P.

For the Opposite Party No. 2 : Mr. Chhote Lal Mishra, Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 25.11.2011 passed by the Judicial Magistrate, 1st Class, Rohtas at Sasaram in Sasaram (Model) P.S. Case No. 83 of 2010, G.R. No. 236 of 2010, T.R. No. 2765 of 2011.

The case of the Informant is that on account of close relationship with the accused persons, they entered into an agreement for sale/purchase of a plot of land owned by the wife of the Petitioner. The agreement to sell was executed and some money was received by the accused persons. However, the accused refused to subsequently execute the sale deed.

It has been submitted on behalf of the Petitioner that if at all the Informant is aggrieved with such an act, the proper course would have been to file a suit for Specific Performance. The Informant has already filed a title suit for execution of the sale deed.

Having considered that the present Criminal Prosecution in such circumstances would be a multiplicity of the Proceeding, the application is allowed and the proceeding including the order dated dated 25.11.2011 passed by the Judicial Magistrate, 1st Class, Rohtas at Sasaram in Sasaram (Model) P.S. Case No. 83 of 2010, G.R. No. 236 of 2010, T.R. No. 2765 of 2011 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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