

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.952 of 2012

Arising Out of PS.Case No. -62 Year- 2009 Thana -null District- VAISHALI(HAJIPUR)

1. Ragni Sinha W/O Sri Chotan Prasad R/V- Thikahan, Mataiyan, P.S.- Vaishali,
Distt.- Vaishali

.... Petitioner

Versus

1. The State Of Bihar through the Director General of Police, Bihar
2. The Officer-In-Charge of Vaishali, Police Station, Vaishali, Bihar
3. The Superintendent of Police, Vaishali
4. The Deputy Superintendent of Police, Vaishali
5. Rai Fulan Prasad Srivastava S/O Ram Chandra Prasad Resident Of Village-
Saidpur Mataiy, Tola Thikha, P.S.- Vaishali, Dist.- Vaishali
6. Mukesh Kr. Srivastava S/O Sri Rai Fulan Prasad Resident Of Village- Saidpur
Mataiy, Tola Thikha, P.S.- Vaishali, Dist.- Vaishali
7. The District Magistrate cum District Registrar Land and Revenue, Vaishali at
Hajipur

.... Respondents

Appearance :

For the Petitioner : Mr. Vijay Kr. Sinha, Advocate

For the Respondents: Mr. Rajesh Ranjan, AC to SC 31

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 02-07-2015

Heard learned counsel for the petitioner as well as learned
AC to SC 31.

The dispute, as it appears, happens to be a family feud.
The petitioner happens to be mother of alleged victim Rozy Kumari
and Ruchi Kumari who, for the present, have, gone hostile to Ragini
Sinha as well as lived along with their uncle, subsequently married
and further, so many documents having executed at their end in
favour of so many persons including cousin brother and further, as the

alleged sale deeds had encroached upon the interest of Ragini Sinha, the petitioner, therefore, the litigation cropped up at the lowest level up to the present stage.

Taking into account the submission raised on behalf of the petitioner, not only both of the victim were directed to be produced which they did and filed counter affidavit wherein they virtually overthrown the allegation made on behalf of the petitioner, Ragini Sinha. However, vide order dated 13.04.2012 by an elaborate order this court had directed the Officer-in-Charge of Vaishali P.S. to comply with the following directions:-

“(i) He shall get the sale deeds verified with regard to the actual valuation of the lands transferred and also find out as to how much money actually is in hand and who has received the money including details of the Bank Account in which such money was deposited, if any. Copies of the sale deed produced before the Court are being handed over to the Officer-in-Charge for the needful. He shall also find out if other transfers have been made and details thereof.

(ii) He shall give a report with regard to the antecedent and background of the said Rai Phulan Prasad Srivastava and also make enquiries with regard to the condition in which the girls are being kept and the way in which they are being kept engaged meaning thereby as to what they are

doing like attending school etc.

(iii) The girl Ruchi Kumari has submitted to this court that she is getting married in November to the boy chosen by the said Rai Phulan Prasad Srivastava. In that view of the matter, this Court also directs the Officer-in-Charge to enquire into the antecedent, background and otherwise with regard to the boy with whom the said Ruchi Kumari is to be married in November.”

In pursuance of the aforesaid direction, the Officer-in-Charge, Vaishali had filed his report, as is evident from the order dated 07.05.2012. After going through the same, it is apparent that there happens to be disclosure with regard to execution of sale deed by the victim out of their own free will. Similarly, it has also been disclosed that fraud was played wherein consideration money has been withheld apart from the fact that the consideration amount so shown in the sale deed happens to be less than the actual market rate and on account thereof, the Officer-in-Charge was directed for instituting a case on its own. Further more, the court had directed to have the matter placed before the District Magistrate/ District Registrar, Vaishali for taking appropriate action. From the subsequent order sheet, it is apparent that cases have been instituted by the police wherein charge sheet had already been submitted, proceeding was



initiated before the District Magistrate/ District Registrar and during the aforesaid event, a matter has cropped up regarding ascertainment of age whether Ruchi Kumari at the time of execution of sale deed was minor or major and that has been properly explained by the District Magistrate/ District Registrar by way of third supplementary counter affidavit wherein it has been incorporated that in pursuance of the court's order passed in CWJC No. No. 9341 of 2009 the age of the inmates of After Care Home was ascertained and the age of Ruchi Kumari was determined as 17-18 years and on account thereof, as per direction of this court, Ruchi Kumari was released on 19.02.2009 and she had executed sale deed on 20.12.2010 and so was certainly a major.

The legality or illegality of the document is to be adjudicated upon by a competent Civil Court. Neither the writ jurisdiction can be invoked on that very score nor the criminal court has got power to declare a registered document null and void as well as not binding upon a party.

After hearing learned counsel for the petitioner, the court perceives that only grievance which now rests is with regard to propriety of the document and for that the petitioner is well advised to frame a duly constituted suit before the competent Civil Court.

With the aforesaid observation, the instant petition did not

justify its relevance furthermore, and is, accordingly, dismissed.

However, in case the petitioner got any cause subsequently, she will be at liberty to file a fresh petition.

(Aditya Kumar Trivedi, J)

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