

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1171 of 2014

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Sayed Kamal Ashraf, Son of Late Zamir Ashraf, Resident of Ashraf Chak,
P.S. - Bakhtiarpur, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Judicial Magistrate, Saharsa.
3. The District Collector, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Station House Office, Bakhtiarpur, P.S. - Saharsa.
6. Syed Qadir Ashraf, Son of Late Zakir Ashraf, Resident of Ashraf Chak,
P.S. - Bakhtiarpur, Distt. - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Ajit Pratap Singh, S.C. 15.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 21-07-2015 Heard learned counsel for the petitioner and
learned AC to SC-15 for the State.

The present application seeks quashing of F.I.R.
of Bakhtiarpur P.S. Case No. 246 of 2014 dated 03.08.2014
(G.R. No. 2083 of 2014).

The allegation in the complaint is that the
petitioner on the pretext of getting some work done relating to
the ancestral property of the complainant and other family
members had got signatures done but mis-utilized the same
for the purposes of getting his name mutated with regard to
the entire ancestral property.

Learned counsel for the petitioner submits that
the matter relating to mutation was challenged before the

authorities and the same was set aside against which the complainant had moved before the Appellant Authority. It is submitted that in such view of the matter, no criminal case is maintainable as matter relates to property dispute and thus civil in nature.

Learned counsel for the State refers to the counter affidavit filed on behalf of the respondent no. 4 and submits that the police have found the allegation to be true relating to signatures of various persons being forged and direction has been given to get the same tested by handwriting expert. It is further submitted that prima facie a cognizable case of cheating and forgery has been found and thus the Investigating Officer has also been directed to arrest the petitioner.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court does not feel inclined to interfere in the matter. The petitioner shall have full opportunity to present his defence at the appropriate stage before the Court below.

The application stands disposed off.

(Ahsanuddin Amanullah, J.)

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