

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45883 of 2012

Arising Out Complaint .Case No.493(C)I Year- 2008 District- - Patna.

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1. Binay Kumar Prajapati, son of late Sukhdeo Pandit
 2. Nirmala Devi W/O Binay Kumar Pandit
 3. Lal Bihari Pandit Late Mangal Pandit
 4. Dharmshila Devi W/O Vishwanath Ram
 5. Binod Kumar Sri Narayan Rai
- All R/O Mohll.-Mathiyapur,P.S.-Shahpur,Dist.-Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Gobardhan Prajapati @ Ganauri Pandit, son of Late Sukhdeo Pandit
R/O,Mohll.-Mathiyapur,P.S.-Shahpur,Dist.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Bhushan Sinha, Adv.
Mr. Baban Roy, Adv.
For the State : Mr. Parmanand Kr., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 06-07-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 3.9.2012 by which the District & Sessions Judge, Patna, in Criminal Revision No. 488 of 2012 has affirmed the order dated 19.6.2012 passed by the Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 493(C) of 2008.

The case of the Complainant is that the accused persons wrongly got executed five sale deeds.

It has been submitted on behalf of the Petitioners that

the fact of the matter is that the sale deeds were executed as per procedure and it is only subsequently that the present Complaint has been filed in order to create a dispute around it. Further submission is that for the same property, a probate case is pending. In such circumstances, evidently, the present complaint based on oral allegations with regard to the unjustified sale deeds is not proper.

On the other hand, the counsel for the Complainant submits that for the same cause of action, Petitioner No. 2 had also instituted Shahpur P.S. Case No. 109 of 2008 pending before the Judicial Magistrate, Danapur for minor offences.

Now, the Parties agree that they will settle their dispute before the Civil Court.

Hence, in the interest of the Parties, the application is allowed and the entire Proceeding including the order dated 3.9.2012 by passed by the District & Sessions Judge, Patna, in Criminal Revision No. 488 of 2012 as also the order dated 19.6.2012 passed by the Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 493(C) of 2008, is hereby confirmed on the same terms.

However, this order shall not prejudice any Party in any manner in the civil cases.

(Anjana Prakash, J)

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