

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.704 of 2013

Arising Out of PS.Case No. -101 Year- 2011 Thana - Barahara District- PURNIA

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1. Mrs. Padmawati Devi, wife of late Rajendra Nath Tiwari,
2. Awadhesh Kumar Tiwari, son of late Rajendra Nath Tiwari
3. Kirandeo Tiwari, son of Late Kamdeo Tiwari,
All residents of Basdeopur, P.S.- Barahara Kothi, District- Purnea

.... Petitioners

Versus

1. The State of Bihar
2. The Superintendent of Police, Purnea
3. The District Magistrate, Purnea
4. The Officer Incharge, Barahra Kothi Police Station, District- Purnea
5. Harivansh Prasad Tiwari, son of late Anirudh Prasad Tiwari, resident of village-
Basdeopur, Police Station - Barahara Kothi, District- Purnea

.... Respondents

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Appearance :

For the Petitioners : Mr. Chandra Mohan Jha,
Mr. Birendra Kumar Singh,
Mr. Praveen Kumar, Advocate

For the Respondents : Mr. Jay Prakash Sharma, AC to GP 11

For Respondent No.5: Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-04-2015

The present writ petition has been filed with a prayer for quashing the first information report of Barahara Police Station Case No.101 of 2011 registered under Sections 177, 161, 191, 196, 197, 198, 199, 420, 406, 464 and 468 of the Indian Penal Code and for other connected reliefs.

2. It is submitted on behalf of the petitioners that the averments made in the complaint, which was later on converted into first information report, at best narrate the ingredients of a civil dispute and no criminal offence is made out as such. It is further stated

that the complainant has also filed Title Suit No.03 of 2011 pending before the court of the learned Subordinate Judge, Purnea.

3. Learned counsel appearing for the respondent no.5, on the other hand, opposes the writ petition. It is stated that as far as the aforesaid title suit is concerned, the same has been filed merely for cancellation of the sale deed in question whereas the complaint contains ingredients of criminal offences and specifically alleges that the accused persons have entered into connivance and conspiracy by making false representation, concealing the material facts and after filing false affidavit with respect to the excess land sold.

4. It appears on perusal of the complaint that offences are prima facie made out. It is informed that investigation of the case was taken up after the complaint was referred under section 156 (3) of the Code of Criminal Procedure and only in view of the interim order of this Court dated 13.11.2014, no further steps are being taken against the petitioners.

5. In the above view of the matter, this Court is not inclined to entertain the writ petition at this stage. The writ petition, accordingly, stands dismissed. The interim order of this Court dated 13.11.2014 stands vacated.

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(Vikash Jain, J)