

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5009 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Shri Raj Kumar Gupta @ Raj Kumar Gupta S/O Late Badri Narain Sao R/O Moh.- Prithavipur English, P.S.- Kankarbagh, Distt.- Patna, Presently Residing At P.R.D.A. Flat, Rajendra Nagar, P.S.- Kadamkuan, Distt.- Patna
 2. Shri Dilip Kumar Gupta @ Dilip Kumar Gupta S/O Late Badri Narain Sao R/O Moh.- Prithavipur English, P.S.- Kankarbagh, Distt.- Patna, Presently Residing At P.R.D.A. Flat, Rajendra Nagar, P.S.- Kadamkuan, Distt.- Patna
 3. Shri Vijay Kumar Gupta @ Vijay Kumar Gupta S/O Late Badri Narain Sao R/O Moh.- Prithavipur English, P.S.- Kankarbagh, Distt.- Patna, Presently Residing At P.R.D.A. Flat, Rajendra Nagar, P.S.- Kadamkuan, Distt.- Patna
 4. Shri Rajesh Kumar Gupta @ Rajesh Kumar Gupta S/O Late Badri Narain Sao R/O Moh.- Prithavipur English, P.S.- Kankarbagh, Distt.- Patna, Presently Residing At P.R.D.A. Flat, Rajendra Nagar, P.S.- Kadamkuan, Distt.- Patna
 5. Ramanand Singh @ Ramanand Munshi S/O Late Fakira Singh R/O Moh.- Ashok Nagar, P.S.- Kankarbagh, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Asha Devi W/O Shri Sita Ram Sharma R/O Vill.- Katpura, P.S.- Ghosi, Distt.- Jahanabad Presently Residing At Ashok Nagar, Road No.- 1, P.S.- Kankarbagh, Distt.- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

No one appears on behalf of the petitioners. Mr. Ramakant Sharma, learned senior counsel is appearing on behalf of Opposite Party No.2.

Notices have been issued to the Opposite Party No.2 on the ground that the Petitioners were ready to refund the amount to the Opposite Party No.2. Thereafter the matter has been referred to the Mediation Centre but there is nothing on record to show that the dispute

was resolved. It is under such circumstances that the matter is listed before this Bench.

Petitioners seek quashing of the order dated 27.04.2009 passed by Judicial Magistrate, Ist Class, Patna in Complaint Case No.2795 (C) of 2008.

The case of the Complainant is that Petitioner No.1 approached the husband of the Complainant with regard to sale of certain piece of land and said, land in all respect is correct and right and there would be no difficulty in purchasing the said land. Thereafter, the deal was settled and some money was given to the accused person as an advance. On 23.11.1992 the Complainant and her husband along with the said Satyadeo Jee went to the land in question to see it and there they found a Khatal standing over it and encroachment along the road side. On different dates the accused persons were paid a sum of Rs.7,52,400/- but the agreement was not fulfilled by the accused persons. It appears that the Complainant also filed Title Suit No.390 of 2008 and the dispute is of civil nature.

Hence, the application stands allowed by setting aside the order dated 27.04.2009 passed by Judicial Magistrate, Ist Class, Patna in Complaint Case No.2795 (C) of 2008 of this Court.

(Anjana Prakash, J)

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