

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.26632 of 2011**

Arising Out of PS.Case No. -0 Year- null Thana -null District- SASARAM (ROHTAS)

- =====
1. Most. Madhuri Kuer, W/O Sri Ramesh Prasad Shrivastava @ Rameshwar Prasad Shrivastava,
  2. Bajrangi Prasad, son of Deo Dutt Prasad,
  3. Tangar Prasad, son of Deo Dutt Prasad, all resident of village- Kirhindi, P.S.- She Sagar, Dist.- Rohtas(Sasaram),
  4. Bangali Lal @ Bangali Lal Shrivastava, son of late Ram Pyare Lal, resident of village- Betari, P.S.- Babhua, Dist.- Kaimur(Bhabhua), &
  5. Sumitra Devi, W/O Deo Dutt Prasad, resident of village- Kirhindi, P.S.- She Sagar, Dist.- Rohtas(Sasaram)

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Sona Devi @ Sonamati Devi, W/O Lal Bihari Pal, resident of village- Kirhindi, P.S.- Sheo Sagar, Dist.- Rohtas(Sasaram)

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : None

For the Opposite Party/s : Mr. Rajani Kant Singh, Advocate  
APP

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 28-09-2015**

It appears that on repeated dates counsel for the Petitioners is not appearing. Earlier also, the application stood dismissed in default for non appearance of the counsel for the Petitioners.

The Petitioners seek quashing of the order dated 17.01.2011 passed by the Sessions Judge, Rohtas at Sasaram, in Cr. Revision No.169 of 2010 by which he has affirmed the order dated 01.05.2010 passed by the Sub-Divisional Judicial Magistrate, Rohtas at Sasaram, in Complaint Case No.946 of 2002.

The case of the Complainant is that she agreed to purchase certain piece of land from the present Petitioners for which she paid a sum of ₹18,000/- but even though the Sale Deed was executed but it was not registered. Then the Complainant sent legal notice for return of the money but they did not do so and hence, the present Complaint Petition.

It appears from the fact of the Complaint Petition that at best it gives rise to a dispute which would be redressed by the suit for specific performance of contract and no criminal offence would be made out.

Hence, the order dated 01.05.2010 passed by the Sub-Divisional Judicial Magistrate, Rohtas at Sasaram, in Complaint Case No.946 of 2002, as also the order dated 17.01.2011 passed by the Sessions Judge, Rohtas at Sasaram, in Cr. Revision No.169 of 2010 are hereby set aside.

The application stands **allowed**.

**(Anjana Prakash, J)**

JA/-

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