

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRL PETN 41 OF 2012

Shri. Krishna Kanta Paul,
S/o. Late Jogesh Chandra Paul,
C/o, Shri. Narayan Ghosh
Resident of Durjoy Nagar, Agartala
Post Office: Agartala Aerodrome-799009
Police Station-Airport.
District-West Tripura.

..... *Petitioner*

- *Vs* -

1. The State of Tripura.
2. Shri. Uttam Paul,
Son of Shri Krishna Kanta Paul,
Resident of Master Para,
Town Pratapgarh,
Post Office-Agartala-799001,
Police Station-West Agartala
District-West Tripura.
3. The Officer-in-charge,
East Agartala Police Station
Post office- Agartala-799001
District-West Trupura.

..... *Respondents*

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioner : Mr. D. Chakraborty, Sr. Advocate.
Mr. H. Laskar Advocate.

For the respondent : Mr. A. Ghosh, P.P.

Date of hearing & delivery
of Judgment & order : **17.07.2015.**

Whether Fit for Reporting : **No.**

JUDGMENT & ORDER (ORAL)

This petition has been filed for quashing of FIR No.09/2012 lodged by respondent No.2, who is son of the claimant in the East Agartala Police Station.

2. This is an unfortunate case where father and son have been fighting for a long time. The allegation of the son is that the father has sold some land which he had no right to sell. The stand of the petitioner is that he is owner of the same.

3. This is not a subject matter of a criminal case. It is not disputed that with regard to the civil suit was filed and that civil suit has been disposed of and an appeal is pending before this Court.

4. Therefore, without going into the allegations, whether it is the petitioner or his children who are the owners of the land, the fact remains that even as per the allegations made in the FIR, no criminal case is made out. This Court is not going into the question whether the petitioner had any right to sell the land or not because that is a matter which will be decided in the civil court.

5. However, no offence is made out and in fact registration of the FIR under section 420 IPC is totally illegal. Therefore, the petition is allowed and the FIR is quashed.

6. It is again made clear that this Court has not expressed any opinion on the issue as to who is actually owner of the land and as to whether the petitioner has any right, title or interest in the land.

CHIEF JUSTICE

Satabdi/sima