

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43549 of 2013

Arising Out of PS.Case No. -2609 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Kishan Lal Das Son Of Faguni Das Resident Of Mohalla - Tatma Toli,
P.S.- K. Hat, District – Purnea Petitioner

Versus

1. The State Of Bihar
2. Sita Ram Ram Son Of Late Jangu Ram Resident Of Mohalla - Tatma
Toli, P.S.- K. Hat, District - Purnea
3. Laxman Ram Son Of Late Jangu Ram Resident Of Mohalla - Tatma Toli,
P.S.- K. Hat, District - Purnea
4. Pintu Ram Son Of Sita Ram Ram Resident Of Mohalla - Tatma Toli,
P.S.- K. Hat, District – Purnea Opposite Parties

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Parties : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 10-03-2016

Heard the learned counsel for the petitioner.

This is a petition for quashing the order, dated 23.07.2013, passed by the District and Sessions Judge, Purnea, in Criminal Revision No. 243 of 2013, by which he has confirmed the order passed by the Chief Judicial Magistrate, Purnea, in C.A. Case No. 2609 of 2012 the complaint under Section 203 of the Criminal Procedure Code on the ground that the allegation made in the complaint made out a civil dispute.

The prosecution case is that under the agreement for sale of the land, the petitioner gave money and he was to pay the last installment of Rs.1,50,000/- for executing the sale deed, however, it is alleged that within the period of payment the petitioner was ready to pay Rs.1,50,000/-, the rest amount, and the accused persons were bound to register the land and it is alleged that even after payment of the said land the accused persons are not executing the sale deed and registering the land.

However, the allegation made in the complaint, itself, apparently appears a case of breach of contract and for which civil consequence arises, hence, the trial Court, rightly, dismissed the complaint.

I do not find any merit to interfere with the impugned order.

This petition is **dismissed**.

The petitioner is at liberty to shadow his remedy.

(Gopal Prasad, J)

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