

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14054 of 2011

Arising out of P.S. Case No. -490 Year- 2008 Thana –
Complaint Case District- PATNA

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1. Ramesh Kumar Son of Late Faggu Ram Resident of Shanti Kutir, Jawahar Chowk, P.S. and District- Sitamarhi.
 2. Ravi Kumar Son of Ramesh Kumar Resident of Shanti Kutir, Jawahar Chowk, P.S. And District- Sitamarhi.
 3. Mahesh Kumar Son of Late Ram Gopal Prasad Resident of Shanti Kutir, Jawahar Chowk, P.S. and District- Sitamarhi.
 4. Vivek Patel Son of Mahesh Kumar Resident of Shanti Kutir, Jawahar Chowk, P.S. And District- Sitamarhi.
 5. Raju Kumar Son of Late Ram Swaroop Prasad Resident of Shanti Kutir, Jawahar Chowk, P.S. and District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheo Ranjan Prasad Son of Late Manoranjan Prasad Resident of Mohalla- Maharajganj, P.S.- Alamganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Abhinay Raj, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The Petitioners seek quashing of the order dated 01.03.2011 passed by the Sessions Judge, Patna in Cr. Rev. No. 1038 of 2008 by which it has confirmed the order dated 23.07.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 490 of 2008.

The case of the Complainant is that he had entered into an agreement with the accused persons for purchase of certain piece of land but they did not execute the sale deed.

It has been submitted on behalf of the Petitioners

that fact of the matter is that their deal with one Rahul Rai who purchased their lands and sale deed has been executed in his favour. The further submission is that a suit for specific performance was filed by the Complainant which also stood dismissed.

On the other hand, Counsel for the Complainant submits that one Rahul Rai was in conspiracy with the accused persons and the suit for specific performance was dismissed in default.

Considering that there is no document to show that there was ever an agreement between the Petitioners and the Complainant, the proceeding as against all the accused persons including the order dated 01.03.2011 passed by the Sessions Judge, Patna in Cr. Rev. No. 1038 of 2008 by which it has confirmed the order dated 23.07.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 490 of 2008 is, hereby, set aside without prejudice to the right of the parties.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
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