

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38392 of 2013

Arising Out of PS.Case No. -491 Year- 2007 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Khurshid Anwar @ Arman S/o Late Md. Ayub R/o Mohalla- Purani Gudri
Road, Chak Moazzam, P.S.- Town, District- Muzaffapur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anzarul Haque s/o Late Abdul Gafoor R/o Mohalla- Purani Gudri Road,
P.S.- Town, District- Muzaffapur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mrs. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 19-05-2016 Heard Sri Shailesh Kumar, learned counsel for the

petitioner and Mr. Md. Kamran, learned counsel who has

appeared on behalf of the complainant / opposite party no. 2.

The petitioner, invoking inherent jurisdiction of this
court under section 482 of the Code Of Criminal Procedure has
prayed for quashing of an order dated 3.7.2013 passed in Cr.
Revision No. 83 of 2013 by the learned Sessions Judge,
Muzaffarpur. The learned Sessions Judge by the said order has
rejected the revision preferred by the petitioner against the order
dated 28.1.2013 rejecting the petition for discharge filed under
section 245 of the Cr.P.C. on behalf of the petitioner.

Learned counsel for the petitioner submits that dispute

is purely civil in nature and colour of criminal offence was given. He further submits that in worst case if it is accepted that a gift deed was executed the allegation is that only 5 dhur more land was included in the said gift deed and as such, it was a fit case for discharge. Whereas, learned counsel appearing on behalf of the complainant submits that civil suit has already been decided in favour of the complainant. He orally submits, on instruction, that the learned court below has already held the said gift deed as forged.

Accordingly, this court without recording anything on the merit of the case is declined to interfere with the matter mainly on the ground that the order of rejection of discharge petition has already been approved by the revisional court and the present petition, which has been filed in the garb of a petition under section 482 of the Cr.P.C. can be treated as second revision, which is barred under section 397(3) of the Cr.P.C.

The petition stands dismissed.

(Rakesh Kumar, J)

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