

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49383 of 2012

Arising Out of PS.Case No. -null Year- null Thana -null District- -

- =====
1. Ansu Devi W/O Sanjay Kumar
 2. Most. Sheorati Devi W/O Late Rama Prasad Singh
 3. Sanjay Kumar Singh S/O Late Rama Prasad Singh, all Resident Of Village- Nawadah, P.S- Phulwarisharif, District- Patna.
 4. Upendra Kumar Singh S/O Sri Ram Nath Singh Village Hinduni, P.O- Alampur, Ganpura, P.S- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Baijnath Prasad S/o Sri Ram Bilash Rai, resident of Mohalla Raghunath tola, Anishabad, P.S. Gardanibagh, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu S.N. Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP
For Opposite Party No.2 : Mr. Jagannath Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2016

The Petitioners seek quashing of the order of cognizance dated 1.6.2012 passed by the Chief Judicial Magistrate, Patna in Phulwarisharif P.S. case No.314 of 2010.

The case of the Informant is that he had advanced a certain amount of money for buying a certain area of land, but the accused persons executed sale deed in regard to a lesser area and hence the present First Information Report.

It has been submitted that it is impossible to believe that a person who was party to a sale deed and appeared before the Registrar

would actually agree for registration of a sale deed for a lesser area even though he had paid excess amount. The further submission is that the best course for the Informant would be to file a suit for specific performance.

On the other hand, the Counsel for the Informant submits that since the Petitioners have cheated him, they should be put on trial.

Having considered the fact of the registration of the sale deed and that the signature of the Informant is not denied upon the same, the application is allowed and the proceeding including the order of cognizance dated 1.6.2012 passed by the Chief Judicial Magistrate, Patna in Phulwarisharif P.S. case No.314 of 2010 is hereby set aside without prejudice to the rights of the parties.

(Anjana Prakash, J)

Narendra/-

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