

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5897 of 2014

Arising Out of PS.Case No. -6 Year- 2014 Thana -BUDDHACOLONY District- PATNA

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Sanjeev Kumar @ Sanjeev Kumar Sinha @ Sanjeev Kumar Singh @
Munna Singh Son Of Sri Kapil Deo Narayan Singh Resident Of B-81,
Budha Residency, Budha Colony, P.S.- Budha Colony, Town And District-
Patna.

.... Petitioner

Versus

1. The State Of Bihar.
2. Lok Prakash Singh, Secretary Budha Grih Nirman Samiti Ltd., Atma
Smriti, Budha Colony, Patna. Null Null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr.Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 13-05-2016 Heard learned counsel for the parties.

2. This application has been filed seeking quashing of the
First Information Report of Budha Colony P.S.Case No. 6/2014
registered for the alleged offences under section 420 read with
section 34 of the Indian Penal Code.

3. The informant has described himself to be the Secretary
of Budha Grih Nirman Sahyog Samiti Ltd. (hereinafter referred to
as 'Co-operative Society'). The First Information Report has been
registered on the basis of a written report submitted by him to the
Officer In-charge of Budha Colony Police Station, Patna. He has
alleged that the Co-operative Society was allotted a land



measuring 25.02 acres by the Government, which, in turn, was allotted to various members of the Co-operative Society. It has been alleged that some of the members have allowed construction of multistoried buildings over the said plots, in violation of Bylaws of the Co-operative Society, provisions of respective sale deeds and the statutory provisions governing Co-operative Societies.

4. The petitioner is a builder, who is developing plot No. B-145, which was allotted to one of the members of the Co-operative Society, after having entered into a development agreement with the allottee/ owner of the plot.

5. Learned Senior counsel, appearing on behalf of the petitioner, has submitted that even if the contents of the First Information Report are treated to be true on their face value, no offence under any provisions of the Indian Penal Code is made out, let alone an offence under section 420 of the I.P.C. He has submitted that the Co-operative Society executed sale deeds in favour of allottees and the petitioner has entered into an agreement through registered document with the allottee of the plot in question, for developing the plot. Filing of the First Information Report, he contends, is an abuse of the process of law.

6. I find substance in the submissions advanced on behalf

of the petitioner.

7. I have carefully perused the First Information Report. The allegations made in the First Information Report, per se, do not constitute any cognizable offence punishable under any of the provisions of the Indian Penal Code. No other penal provision has been brought to my notice by the learned Addl. Public Prosecutor, appearing on behalf of the State of Bihar, to show that the allegations made in the F.I.R. constitute any cognizable offence.

8. In view of above, this application is allowed. The First Information Report of Budha Colony P.S.Case No. 6/2014 and entire proceeding arising out of the same stand quashed.

(Chakradhari Sharan Singh, J)

Surendra/-

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