

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32947 of 2013

Arising Out of PS.Case No. -758 Year- 2010 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Banshu, Son of Late Sukhan Das, Resident of Village-Panapur, P.S-
Town, Hajipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 01-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for quashing the order dated 17.01.2011
by which complaint petition has been dismissed under Section 203
of Cr.P.C.

The prosecution case as alleged that petitioner and
accused persons both have got partition share of their land in Lok
Adalat. Further it has been alleged that accused persons
fraudulently got the signature of the petitioner in the Lok Adalat
and got the share of the petitioner transferred in their names which
was the petitioner's self earn property so a complaint petition has
been filed for offence under Section 420, 467. 468, 471 and 120 B

of Indian Penal Code.

However, there is no allegation of impersonation of the petitioner or the signature made by the petitioner by impersonating him, but allegation itself indicates signature of the petitioner had taken by the accused persons in some pretext or the other is a fraud.

However, forgery has been defined under Section 463 of Penal Code and allegation made in the complaint does not come under Section 464 of Penal code to create a false document to constitute forgery or making false document and so not attract under Sections 464, 468 and 471 of Indian Penal Code.

So far Section 420 of Penal Code is concern, there is no allegation that petitioner dishonestly induces the person deceived to deliver any property to any person rather allegation made that accused persons fraudulently got the signature of the petitioner in the Lok Adalat and got the land of the share of the petitioner transferred in their names which was the petitioner's self earned property and hence the allegation made in the complaint comes with civil dispute.

Having regard to the fact, I do not find any merit to interfere with the order of the trial court. However, the matter concerned with civil dispute and allegation made in the complaint

mainly with regard to fraud which can be rectified in civil court.

With this observation this petition is dismissed.

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(Gopal Prasad, J)

