

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42043 of 2013

Arising Out of PS.Case No. -19 Year- 2013 Thana -GADHPURA District- BEGUSARAI

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1. Suresh Rai Son of Late Rameshwar Rai R/O Village-Harakhpura, P.S.-
Garhpura, District-Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
 2. Hari Shankar Rai Son of Late Shri Yedu Nandan Rai R/O Sakin Gowda -
 1, P.S.-Tegda, District-Begusarai, Presently Residing At Harakhpura, P.S.-
 Garhpura, District-Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh
 For the Opposite Party/s Mr. Pronoti Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 23.05.2017 Heard learned counsel for the petitioner as well as learned
 Addl. Public Prosecutor for the State.

Petitioner has prayed for quashing the order dated
 06.07.2013 passed by the Chief Judicial Magistrate, Begusarai in
 Garhpura P.S. Case no. 19/2013 by which and whereunder the Chief
 Judicial Magistrate, Begusarai, having found sufficient materials on
 charge sheet and case diary, took cognizance for the offences
 punishable under sections 420, 467, 468, 471 and 120B of the Indian
 Penal Code.

The gist of accusation against the petitioner and others is
 that they fraudulently got executed sale deed in their favour by
 impersonating mother of the informant. The aforesaid fact appears to
 have been supported by witnesses in course of investigation.



Learned counsel appearing for the petitioner submits that even if the prosecution story assumed to be true, then also, it is case of civil dispute and no prosecution can be launched against the petitioner and other accused but I am not at all convinced with the aforesaid submission because there is specific accusation of impersonation against the petitioner and other accused and, therefore, I do not find any merit in this quashing petition and accordingly, this quashing petition stands dismissed at the admission stage itself. However, it is made clear that the petitioner shall be at liberty to raise his plea before the trial court at appropriate stage and this order shall not cause any prejudice to the concerned court at the time of consideration of the plea of the petitioner.

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(Hemant Kumar Srivastava,J)

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