

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26891 of 2014

Arising Out of PS.Case No. -190 Year- 2013 Thana -COMPLAINT CASE District- SHEOHAR

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1. Sunil Kumar Lal Das son of Late Balkrishan Lal Das, resident of Village Chirchari Kanungoi, East Tola, P.S. Raj Nagar, District Madhubani the then Circle Officer, Piprarhi Block, P.S. Piprahi, District Sheohar.
 2. Manoj Kumar Rai, son of Lalbabu Rai, resident of village- Kudarkat, P.S. Chhauradano, District- East Champaran, presently posted as Circle Inspector, Circle Office, Piprahi, District Sheohar.
 3. Ram Prit Mahto, son of Late Nathuni Mahto, resident of Village- Bhauprasad, P.S. Dumara, District- Sitamarhi, posted as the then Halka Karamchari-cum- Circle Inspector, Circle Office- Piprahi, District- Sheohar.
 4. Shyam Narain Chaudhary, son of Ramdeo Chaudhary, resident of village- Gharwara, P.S. Majorganj, District- Sitamarhi, present posted as Halka Karamchari, Ratanpur (Piprahi), Circle Office- Piprahi, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nawal Kishore Singh, son of Late Ramdeo Singh, resident of Village Ratanpur, P.S. Piprahi, District Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party No.2: None.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date: 06-09-2017

The present case has arisen out of order dated



19.08.2013 passed by the learned Judicial Magistrate, Sheohar in connection with Complaint Case No. C1/190 of 2013, Trial No. 1055 of 2013, whereby and whereunder the learned trial court has taken cognizance against the petitioners under Sections 420, 467 and 468 of the Indian Penal Code.

2. The Opposite Party No.2 herein, i.e. Nawal Kishore Singh, had filed a complaint Case No. C1/190 of 2013, Trial No. 1055 of 2013 dated 10.06.2013 before the learned Chief Judicial Magistrate, Sheohar, inter alia, stating therein that the land, pertaining to khata no. 283 and 284 containing different khesra number, once registered in the name of his deceased father and cousin brother, namely, Hari Kishore Singh and out of the said land, some land had been sold, but still the accused persons in connivance with the officials of the Circle office had obtained certificate regarding ownership of the land which is in possession of the complainant and his cousin brother. It has been alleged that the accused persons, namely, Arbind Kumar Singh and Mukesh Kumar Singh had obtained the aforesaid ownership certificates, though they do not have anything to do with the said land. After the complainant received information about the said accused persons obtaining ownership certificate of the land, the matter was placed before the village Panches, but the matter could not be settled, hence the complaint has been filed.



3. The learned Judicial Magistrate, Sheohar by an order an order dated 19.08.2013 passed in Complaint Case No. C1/190 of 2013, has found a prima facie case against the accused persons, namely, Arbind Kumar Singh and Mukesh Kumar Singh, however, summons have also been directed to be issued against the petitioners herein under Sections 420, 467 and 468 of the I.P.C.

4. The aforesaid order dated 19.08.2013 is under challenge in the present case.

5. The learned counsel for the petitioners has submitted that a bare perusal of the allegations levelled in the complaint case would show that the dispute is civil in nature. It has also been submitted that the allegations are against Arbind Kumar Singh and Mukesh Kumar Singh primarily and the petitioners herein have no role to play. The learned counsel for the petitioners has further referred to an order dated 17.02.2014 passed by the learned Sessions Judge, Sheohar in Anticipatory Bail Petition No. 36 of 2014 wherein the accused Mukesh Kumar Singh and Arbind Kumar Singh had filed a petition for grant of anticipatory bail, to show that a compromise has been entered into between the parties and the complainant i.e. Nawal Kishore Singh has also appeared and verified the compromise and only thereafter, the said accused persons were directed to be enlarged on anticipatory bail. The learned counsel for the petitioners has further



contended that the petitioners are government servants and some mistake had taken place, which was subsequently rectified.

6. At this juncture, it may be pointed out that though, the Opposite Party No.2 had entered appearance through an Advocate, the said Advocate has failed to appear despite second call having been made, hence it appears that, the Opposite Party No.2 has lost his interest in the case on account of the matter having been settled by way of the aforesaid compromise entered into between the parties.

7. I have gone through the materials on record of the case and I find that the allegations levelled in the complaint petition are purely civil in nature and do not constitute any penal offence. The fact of the matter is that the complainant- Opposite Party No.2 had himself appeared before the learned trial court in the proceedings pertaining to grant of anticipatory bail to two of the accused persons and had made statement that the matter has been amicably settled and compromise has been arrived at. In such view of the matter, I find that though the entire dispute is civil in nature and no criminal offence is made out, however, since the parties have amicably settled the matter, no useful purpose would be served by permitting the criminal prosecution to continue. I therefore, quash the order dated 19.08.2013 passed by the learned Judicial Magistrate, Sheohar in connection with Complaint Case No. C1/190 of 2013, Trial No. 1055 of 2013 by



which the learned court below has taken cognizance and further set aside the entire criminal prosecution emanating therefrom.

8. The petition is allowed. However, there shall be no order as to costs.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	30.08.2017
Uploading Date	07-09-2017
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