

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39829 of 2013

Arising Out of PS.Case No. -370 Year- 2010Thana -Phulwarisharif District- PATNA

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1. Jagdish Narayan S/O Late Indra Chandra Resident Of Village- Chainpura, P.O.-
Dariyapur, P.S.- Naubatpur, District- Patna At Present Residing At Sipara,
Indrapuri, Near By Pass Pool, P.O.- Dhelwan, P.S.- Beaur, District= Patna

2. Sanjay Kumar S/O Jagdish Narayan Resident Of Village- Chainpura, P.O.-
Dariyapur, P.S.- Naubatpur, District- Patna At Present Residing At Sipara,
Indrapuri, Near By Pass Pool, P.O.- Dhelwan, P.S.- Beaur, District= Patna

.... Petitioner/s

Versus

1. The State Of Bihar

2. Veena Devi W/O Sri Jainath Kumar Yadav Resident Of Mohalla- Goriya Toli,
Station Road Patna, P.S.- Kotwali, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Adv.

For the Opposite Party/s : Mr. Narsing Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 04-04-2017

Heard both sides.

2. The petitioners filed this petition under Section 482 of
the Cr.P.C. against the order 07.11.2012 passed in Phulwarisharif P.S.
Case no. 370/2010 by which the learned Chief Justice Magistrate,
Patna took cognizance under Sections 420, 467, 468, 120B of the
Indian Penal Code.

3. The informant alleged that she purchased 01 Kathha of
land from Jagdish Narayan and his son Sanjay Kumar. Sanjay Kumar
identified the vendor. Her brother-in-law also purchased 01 Kathha
land, but later on it transpired that Jagdish Narayan fraudulently got



the sale deed from one Gopal Rai whereas, Gopal Rai sold the land in the year 1969 itself to Naseeb Lal and on the basis such forged and fabricated sale deed Jagdish Narayan and his son cheated the informant and her brother-in-law. The Police on such petition registered Phulwarisharif P.S. Case No. 370/2010 and embarked upon investigation. After completion of investigating the Investigating Officer submitted report under Section 173 sub-section (2) Cr. P.C. finding the case true against the petitioners. Learned Chief Judicial Magistrate after perusing the records took cognizance by the order dated 07.11.2012 under Sections 420, 467, 468, 120B of the Indian Penal Code.

4. Learned counsel for the petitioners submits that the petitioners did not commit any forgery nor cheated the informant. The land was mutated in the name of informant and her brother-in-law, but the D.C.L.R. set aside the order of mutation and mutation revision is pending before the Collector. The dispute is of purely civil nature, but it appears from the facts that the informant has very categorically stated that Jagdish Narayan showed the sale deed in his favour executed by Gopal Rai. Gopal Rai executed the sale deed in favour of Jagdish Narayan on 16.06.1984, but it transpired that Gopal Rai had already sold the aforesaid land to one Naseeb Lal and thereafter the petitioners and Gopal Rai again fraudulently brought in existence a



sale deed in favour of petitioner no. 1 Jagdish Narayan and Jagdish Narayan and his son knowing well that they had no valid title over the land, misrepresented the facts before the vendors, informant and brother-in-law and cheated them by executing sale deed.

5. Having considered the facts aforesaid, I do not find any illegality in the order dated 07.11.2012 passed in Phulwarisharif P.S. Case no. 370/2010. Accordingly this quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2017
Transmission Date	12.04.2017

