

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44385 of 2014

Arising Out of PS.Case No. -893 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Chandri Devi, Wife of Late Ram Pravesh Gupta, Resident of Village -
Baidrabad, P.S. - Arwal, Distt. - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Pravesh Sao, Son of Late Shaligram Sao Resident of Village -
Dharhara Pali, P.S. - Pali Ganj, Distt. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Adocate.
For the State : Mr. Ajay Kumar NO. 1, APP
For the OP NO. 2 : Mr. Subhash Chandra Bose, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 18-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks quashing of order dated 19.06.2014
passed by the Judicial Magistrate, 1st Class, Danapur in Complaint
Case No. 893(C) of 2013 thereby taking cognizance of offence
under Sections 147, 323 and 406 of the Indian Penal Code.

The brief fact giving rise to the case is that petitioner,
land owner, persuaded the O.P. No. 2 to purchase a piece of land
and both parties entered into an agreement for sale fixing total
consideration amount of Rs. 5,76,000/-, out of which Rs. 4 lacs
was given at the very outset while entering into the agreement and
the land was to be sold within six months, but the same was not



executed as per the complaint even after giving notice to the petitioner.

Learned counsel for the petitioner submits that petitioner never entered into agreement for sale and sought information under Right to Information Act from the Treasury Officer, Patna regarding issuing of the stamp on which the agreement for sale deed was executed, which is dated 10.12.2012, but as per the said information, the said stamp was released from the Treasury on 05.04.2013 making the case improbable, however, concedes that there is no any criminal case or complaint case has been instituted by the complainant in this regard.

Learned counsel appearing on behalf of the complainant submits that Non Judicial Stamp was purchased by the complainant and it is signed by both parties.

Having considered the submissions and on perusal of record, the allegations do disclose *prima facie* offence and truth or falsity of the allegation can only be ascertained in trial. It is not the case that no *prima facie* offence is disclosed. So, the application stands dismissed.

(Arun Kumar, J)

Sujit/-

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