

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53564 of 2013

Arising Out of PS.Case No. -407 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Akhilesh Kumar @ Pappu Son Of Late Ram Swaroop Singh Resident Of Village / Mohalla - Rukunpura, Bailey Road, Post Office - Bihar Veterinary College, Police Station - Rupaspur, District - Patna, State - Bihar

2. Kiran Sinha @ Kiran Devi Wife Of Akhilesh Kumar @ Pappu Resident Of Village / Mohalla - Rukunpura, Bailey Road, Post Office - Bihar Veterinary College, Police Station - Rupaspur, District - Patna, State - Bihar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Maheshwari Prasad Son Of Late Ram Dayal Rai Resident Of Village / Mohalla And Post Office - Old (Purani) Panapur, Via- Khagaul, Police Station - Akilpur (Danapur), District - Patna, State - Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore Sinha

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 02-02-2017 Heard the parties.

Petitioners seek quashing of the order dated 30.03.2012 passed in Criminal Revision No. 144 of 2009 (arising out of Complaint Case No. 407(C)/2007) by Shri Ram Priya Sharan Singh learned Additional Sessions Judge –V, Danapur, Patna, by which he has refused to discharge the petitioners in Complaint Case No. 407C of 2007.

The case of the complainant is that there was an agreement between the parties for sale of a certain piece of land, for which after payment of consideration amount, a deed of



agreement was executed. However, it was stipulated in the agreement that subject to payment of the entire amount within a period of three years the agreement would stand confirmed. However, later on despite the entire amount having been paid to the accused persons, the sale deed was not executed, for which a legal notice was also given.

On the basis of the above, Complaint Case No. 407(C) of 2007 was instituted under Sections 406 and 420 of the Indian Penal Code.

It has been submitted by learned counsel for the petitioners that even on a bare perusal of the entire complaint petition, there is nothing against these petitioners. Petitioners are not involved in the execution of alleged sale deed and their names surfaced in this case only because they happens to be the relative of the co-accused, namely, Dharmsheela Devi, whose application for quashing has already been allowed by this Court vide order dated 01.08.2014 passed in Criminal Miscellaneous No. 1451 of 2014 as the said Dharmsheela Devi has already paid the alleged amount of Rs. 8,00,000/- to the complainant, therefore, the prosecution against these petitioners would become meaningless as the main allegation was against the said Dharmsheela Devi. As such the order, impugned is not sustainable in the eye of law and deserves to be quashed.



Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and from perusal of the materials available on record and complaint petition, it appears that the main allegation has been made against one, Dharmsheela Devi and in the entire complaint petition no allegation has been levelled against these petitioners. However, since the said Dharmsheela Devi has already paid the alleged amount of Rs. 8,00,000 to the complainant, as such, no purpose would be served to keep the case pending against these petitioners and also non appearance of the complainant suggests that evidently he is not interested in pursuing the prosecution any more.

In such view of the matter, this application is allowed, and impugned order dated 30.03.2012 passed in Criminal Revision No. 144 of 2009 (arising out of Complaint Case No. 407(C)/2007) by Shri Ram Priya Sharan Singh learned Additional Sessions Judge –V, Danapur, Patna, is hereby set aside.

(Vinod Kumar Sinha, J)

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