

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41901 of 2013

Arising out of P.S. Case No.7 Year- 2011 Thana NALANDA COMPLAINT CASE District
NALANDA (BIHARSHARIFF)

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1. Mridula Sinha, W/o Madan Prasad, R/o Village Hussena, P.S. Sarmera District Nalanda
 2. Madan Prasad, S/o Late Ramjee Prasad, R/o Village Hussena, P.S. Sarmera District Nalanda
 3. Ajay Kuamr, S/o Sita Ram Singh, R/o Village Badara, P.S. Noorsarai, Dsitrict Nalanda

.... Petitioners

Versus

1. The State of Bihar
2. Ranjeet Kumar, S/o Late Ramji Prasad, R/o Hussaina, P.S. Sarmera, District Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ram Prasad Singh

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 03-07-2017

Heard learned counsel for the parties.

2. The petitioners challenge order of cognizance dated 26.06.2012, passed by learned Judicial Magistrate, 1st Class, Biharsharif, Nalanda in Complaint Case No.7C/11 whereby cognizance has been taken under Sections 420, 465, 468, 471 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the land purchased jointly by three brothers, the complainant, the accused no.2 and one Kameshwar Prasad, the same was partitioned in the year 1990 between all three brothers but two brothers Ranjeet Kumar and Kameshwar Prasad executed the sale



deed in the year 1990 in favour of Mridula Sinha, their sister-in-law with respect to their share of land so the allegation that someone impersonated those two brothers and executed sale deed in favour of Mridula Sinha is outrightly false allegation and Title Suit No.249 of 2010 has been filed by the petitioners for declaring the sale deed executed by the complainant in favour of Sangita Kumari as null and void.

4. The allegation in nutshell is that the land in question was purchased in joint name of all three brothers Kameshwar Prasad, Madan Prasad and Ranjeet Kumar in the year 1979 and in the year 1990, there was family partition in between all three brothers relating to the land situated in village but the land purchased in Bihar Sharif town in the year 1979 was partitioned on 30.12.2007. Ranjeet Kumar, the complainant sold his share of land situated in Bihar Sharif town on 07.09.2009 by registered sale deed in favour of one Sangita Kumari and got her name mutated. The complainant received a notice on 26.12.2010 in connection with Title Suit No.249 of 2010 filed by the petitioners and learnt that their share of land was also executed in favour of Mridula Sinha by impersonating the complainant and his elder brother Kameshwar Prasad.

5. The learned APP submits that the allegation is that



some other person impersonated the complainant and his brother and executed sale deed in favour of petitioner no.1, the wife of the third brother.

6. Having considered the rival submissions and materials on record, there is allegation of creating a forged document, i.e., sale deed in favour of Mridula Sinha in connivance with all accused as specific allegation is that some other impersonated these two brothers and executed the sale deed so it is not only a civil dispute rather the allegation of creating forged document is also levelled against the accused persons, the petitioners of this quashing petition. So there is no ground to set aside the order of cognizance dated 26.06.2012, passed by learned Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda in Complaint Case No.7C/11.

7. Accordingly, this quashing petition is dismissed.

(Arun Kumar, J.)

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