

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7563 of 2014

Arising out of P.S. Case No.2830 Year 2010 Thana PATNA COMPLAINT CASE District- PATNA

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Dinesh Prasad Singh @ Dinesh Ray S/o Late Chotelal Yadav Resident of Mohalla-
Chakyardpur, Nayatola Saristabad, P.S- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Sumitra Devi W/o Shiv Mahto Resident of Villae- Ghataro, P.S- Kartaha,
District- Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Ms. Usha Kumari Singh, Advocate
For the State	:	Mr. Pranav Kumar, APP
For O.P. No.2	:	Mr. Raj Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioner, learned counsel for
opposite party no.2 as well as learned Additional Public Prosecutor
appearing on behalf of the State.

2. The petitioner has filed this application under Section 482
Cr.P.C. for quashing order dated 25.05.2011, passed by learned Judicial
Magistrate, 1st Class, Patna, in Complaint Case No.2830(C) of 2010
whereby cognizance is taken under Sections 406 and 420 of the Indian
Penal Code.

3. The case of the complainant in brief is that the petitioner
entered into an agreement for sale of purchasing 1 Kattha of land at the rate
of Rs.2,50,000/-. The agreement was executed on 07.10.2009 and
Rs.2,00,000/- was paid to the petitioner but later on, as per allegation, the
petitioner increased the rate and asked for Rs.4,00,000/- for selling 1 Kattha
of land to complainant and only executed 1/2 Kattha of land in favour of



the complainant though the agreement was of selling 1 Kattha of land on the consideration amount of Rs.2,50,000/-. Not only that, even the possession of 1/2 Kattha of land was not given to the complainant, when he asked to return back the money, the same was refused.

4. It is submitted by learned counsel for the petitioner that the petitioner is ready to return back the money and it is a case of only breach of agreement whereas learned counsel appearing on behalf of opposite party no.2 submits that the petitioner was granted anticipatory bail on the assurance that he intends to return back the money and also directed to file application for cancellation of the sale deed. This order was passed on 23.10.2013 but, till date neither he is appearing in the court below nor returned back the money to the complainant.

5. Having considered the rival submissions and on perusal of the records, in view of the allegation as stated in the complaint, a *prima facie* case is made out for taking cognizance in this case and up-till-now, no compromise has been reached between both sides, so there is no ground for interference in the order of cognizance and for setting aside the criminal proceeding.

6. Accordingly, the petition stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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