

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18099 of 2013

Arising Out of PS.Case No. -613 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Rameshwar Prasad S/O Etwari Prasad @ Somari Mahto Resident Of Village- Bhakhari, P.S.- Noor Sarai, District- Nalanda
 2. Shushila Devi W/O Rameshwar Prasad Resident Of Village- Bhakhari, P.S.- Noor Sarai, District- Nalanda
 3. Sonu Kumar S/O Chandra Shekhar Prasad Resident Of Village- Bhakhari, P.S.- Noor Sarai, District- Nalanda
 4. Sudhir Mahto S/O Parmeshwar Mahto Resident Of Village- Bhimsen Bigha, P.S.- Chandi, District- Nalanda
 5. Ravindra Mahto S/O Parmeshwar Mahto Resident Of Village- Bhimsen Bigha, P.S.- Chandi, District- Nalanda

.... Petitioners

Versus

1. The State Of Bihar
2. Saukhi Yadav S/O Late Rameshwar Yadav Resident Of Village- Bhimsen Bigha, P.S.- Chandi, District- Nalanda

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar No. 1

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 02-11-2017

Heard learned Counsel for the petitioners and the learned Counsel for the State as also the learned Counsel appearing on behalf of Opposite party No. 2.

2. The petitioners seek quashing of cognizance order dated 2.3.2013 passed by the learned SDJM, Hilsa Nalanda in Complaint Case No. 613 (C) of 2012, thereby taking cognizance of the offence under Sections 341, 323, 504, 406 and 420/34 of the IPC.

3. The brief fact leading to the case is that the petitioners



entered into an agreement with the complainant to sell 42 dec. of land of Plot NO. 1562. The total consideration money was RS. 94,000/-, out of which Rs. 62,000/- is said to have been paid in advance and a paper acknowledging receipt of the amount was also prepared on a revenue ticket. But despite repeated persuasion neither the sale deed was executed nor the advance money was returned back.

4. Learned Counsel for the petitioners submits that the said Plot No. 1562 was already sold to the petitioners in the year 2010, but no copy of such sale deed has been brought on the record. So it becomes a disputed question of fact and the same cannot be considered on bare statement and it is not that no offence is disclosed considering the complaint and the evidence adduced at the enquiry stage.

5. So finding no merit this application stands dismissed.

(Arun Kumar, J.)

Snkumar/-

AFR/NAFR	
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