

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21609 of 2014

Arising Out of PS. Case No.-1429 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Narendra Deo Anand s/o Late Ram Bishun Gupta resident of Bakerganj
Bajaja, P.O. Bankipur, P.S. Pirbahore Town and District Patna, presently
posted in the rank of Commandant, Central Industrial Security
Force(C.I.S.F.), Indira Gandhi International Airport, New Delhi.

... .. Petitioner/s

Versus

1.State Of Bihar.

2.Subdoh Kumar, s/o Sri Tarkeshwar Prasad, Moh. Birla Colony, Rashtriya
Ganj, P.S. Phulwari, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar alias Sharma
For the Opposite Party/s : Mr. J.UPADHYAY (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 02-08-2017

Heard learned counsel for the parties.

The present application under Section 482 of
the Cr.P.C has been filed for quashing the order dated
05.02.2014 passed by Sri Jitesh Kumar, learned Judicial
Magistrate, 1st Class, Patna City, in C.A. No. 1429 of 2013 by
which the learned court below has taken cognizance under
Section 420 of the Indian Penal Code.

Briefly stated, it has been alleged in the



complaint case that complainant-Subodh Kumar is cousin brother of the petitioner. It has been alleged that petitioner-opposite party no. 2 was in need of money and on negotiation, the complainant agreed to sell his land for consideration of Rs. 25 lacs and an agreement for sale was executed between the parties on 01.01.2012 and Rs. 10 lacs in cash was paid by the complainant to the accused-petitioner. Thereafter the petitioner went to take possession of the purchased land and at the time of measurement and fixing pillars over the land, he was chased by the local criminal with warning not to come again to the land. It has been further alleged in the complaint case that thereafter the complainant demanded to refund his Rs. 10 lacs which was paid to accused and accused assured to pay the same, but subsequently he refused to pay the amount.

The accused-petitioner was sent legal notice and complaint case was filed. The complainant was examined on S.A. by the court below and in support of the complaint case two witnesses were examined, and the court below on 05.02.2014 took cognizance under Section 420 of the Indian Penal Code and issued summons to the accused-petitioner for his appearance in the court below.

It has been submitted by the accused-petitioner



that he is a law abiding citizen and is an officer of the Central Industrial Security Force, Government of India and allegation as made out is false and frivolous.

Against the order taking cognizance dated 05.02.2014, the accused-petitioner has filed the present case for quashing the said order and this Court while issuing notice to complainant-opposite party no. 2 by order dated 05.02.2014, has stayed the further proceeding in the court below.

The Opposite Party No. 2, has appeared in this case and has filed the counter affidavit, in which he has stated that on account of intervention of well wishers and family friends, the matter has been settled outside the court and the petitioner and opposite party no. 2 are cousin brothers and due to confusion the complaint case was filed. Now, good relations has been restored between the parties, and as such they do not want to proceed further in the complaint case. The Opposite Party No. 2 in his statement in the counter affidavit, has stated that the present proceeding initiated at his instance may be quashed as the matter has been compromised and since the offence relates to Section 420 of the Indian Penal Code, which is a compoundable offence, the present proceeding and the order taking cognizance may be quashed.



After considering the nature of allegation, which is of civil nature and no criminal offence is made out and also in view of the fact that the matter has been compromised outside the court and the complainant does not want to pursue the matter, the order dated 05.02.2014 passed by Sri Jitesh Kumar, learned Judicial Magistrate, 1st Class, Patna City, in C.A. No. 1429 of 2013 as well as whole proceeding arising out of said complaint case is quashed.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

