

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50328 of 2013

Arising Out of PS.Case No. -172 Year- 2013 Thana -PATNA CITY CHOWK District- PATNA

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1. Manoj Kumar, Son of Late Ambika Prasad R/O Mohalla- Marufganj, P.S.- Malsalami, District- Patna
 2. Raghubir Prasad Son Of Late Jagat Narayan R/O Mohalla- Dalhatta, Marufganj, P.S.- Malsalami, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushil Kumar Rohtgi, Son of Nand Kishore Rohtgi, Resident of Mohalla – Chotipatandevi, Tiwari Lain, P.S.-Chowk, District-Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate.

For the Opposite Party No.2: Mr. Ajay Kumar, Advocate.

For the State : Mr. Nand Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT
Date: 01-05-2017

Heard both sides.

The petitioners filed this petition for quashing F.I.R. being Chowk P.S. Case No. 172 of 2013 registered under Sections 120, 406, 467, 468, 472, 473, 474 and 34 of the Indian Penal Code.

The informant filed a complaint case which was sent to police station for institution and investigation of the case and on such,



Chowk P.S. Case No. 172 of 2013 was registered. The informant alleged that he intended to purchase a piece of land in ward no. 67/53/34/28 of Municipal Survey Plot No. 1853. Accused No.6, Manoj Kumar got the power of attorney executed in favour of him by the land owners in presence of Manish Kumar Jamuar and Suraj Prasad with regard to Survey Plot No. 1853 of Circle No. 190. The informant alleged that Manoj Kumar and others executed a sale deed with regard to Plot No. 1853 of Circle No. 190, but the informant got information that the aforesaid plot was already acquired by the Government of Bihar in Land Acquisition Case No. 24 of 1960 and the land owners got compensation. By virtue of acquisition, the Government of Bihar is in possession of the land.

Learned counsel for the petitioners submits that on perusal of the contents of the complaint petition on the basis of which the present F.I.R was lodged, no offence under any section of the Indian Penal Code is made out. Therefore, the F.I.R. is fit to be quashed.

I find from perusal of the complaint petition along with the annexures appended with the complaint petition that the petitioners got power of attorney executed in their favour by the land owners and executed a sale deed after getting consideration amount, but it transpired that the aforesaid land of Plot No. 1853 of Bakshi



Maidan was acquired as far back in the year 1959 and the owner of the land got compensation. Landowner, concealing the facts of acquisition of the land, executed power of attorney in favour of the petitioner with a view to cheat and the power of attorney holders executed sale deed in favour of the informant after receiving consideration amount. The land owner and power of attorney holders misrepresented the facts to cheat the purchaser.

Therefore, I find no force in the contention of the learned counsel for the petitioners that no offence is made out under any sections of the Indian Penal Code. Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.05.2017
Transmission Date	18.05.2017

