

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53080 of 2013

Arising Out of PS.Case No. -2848 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Alok Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha

For the Opposite Party/s : Mr. Arvind Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-01-2017 Heard the parties.

The petitioner has preferred this application under Section 482 of the Cr.P.C. for quashing of the order dated 13.12.2012 passed by learned Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 2848 of 2012, by which learned Magistrate after enquiry found *prima facie* case under Section 406, 420, 467 and 468 of the Indian Penal Code, as such ordered for issuance of process against the petitioner, which is under challenge in the present application.

The prosecution story in brief is that the complainant-opposite party no. 2 executed a sale deed in favour of the petitioner on 06.04.2011 for an amount of Rs. 10,00,000/- (Ten lakh), whereas he was paid only 2,00,000/- (Rs. Two Lakhs) and the petitioner promised him to give rest of amount in due course of time, but when the complainant demanded the remaining amount from petitioner, he denied to pay the said amount.

On the basis of the aforesaid, Complaint Case No. 2848



of 2012 was instituted against the petitioner.

Learned counsel for the petitioner submitted that no money is due to the complainant as alleged and it is very much clear from the sale deed itself that the value of the said land was Rs. 2,00,000/- (Rs. Two Lakh) and the same has already been paid to the complainant and only to harass the petitioner, the aforesaid complaint case has been filed.

Heard learned A.P.P.

Having heard both sides, considering the facts and circumstances of the case and the dispute involved, I am not inclined to interfere with the order dated 13.12.2012 passed by learned Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 2848 of 2012.

However, it is open to the petitioner to raise all these grounds at the time of framing of charge, which will be considered and disposed of by the learned court below by a reasoned and speaking order.

With the above observation, this application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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