

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16471 of 2014

Arising Out of PS.Case No. -602 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Amrendra Kumar Singh, Son Of Awadhsh Singh Resident of Village- Umanagar, Sandha Chapra, P.S- Chapra Muffasil, District- Saran.
 2. Ishrat Hussain, Son Of Nasrullah Ansari
 3. Kaushal Raja Ansari, Son of Najmullah Ansari, Both Are Resident of Village- Hasanpur, Ps- Garkha, District- Saran
 4. Ajay Kumar Rai, Son of Satish Chandra Rai Resident of Village- Salempur, P.S- Chapra Town, District- Saran.
 5. Ram Sharekh Rai, Son of Late Ramjanm Rai, Resident of Village- Akoli, Ps- Garkha, District- Saran.
 6. Rabindra Kumar Singh (Katib), Son of Late Shobhan Singh, Resident of Village Dhenuki Bhual, PS Panapur, District- Saran, At Present Working As Katib In Registry Office Chapra, Ps Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Kumar Mishra, Wife of Shailesh Kumar Mishra, Resident of Mohalla- Prabhunath Nagar Chapra, Mauza- Sandh, P .S- Chapra, Muffasil, District- Saran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar
For the Opposite Party/s : Mr. Harendra Pd.(App)
For the OP No. 2 : Mr. Sandeep Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 07-02-2018 Heard learned counsel for the petitioners and learned
counsel for the O.P. No. 2 as well as learned counsel for the State.

2. Petitioners seek quashing of cognizance order dated 03.07.2013 passed by Judicial Magistrate, 1st Class, Chapra in Complaint Case No. 602 of 2013 thereby taking cognizance of offence under Sections 420/34 of Indian Penal Code.

3. The brief fact giving rise to the case is that



petitioner no. 1 had crated a forged sale deed dated 10.12.2012 and purchased the land in question from petitioners no. 2 and 3 however according to the complainant, she had purchased that land on 30.10.2010 from one Kewala Devi, who was allocated the land by Housing Society but the Secretary of the Housing Society had sold the land to the father of petitioners no. 2 and 3.

4. Learned counsel for the petitioners submits that it's a purely civil dispute relating to the title of the land and *prima facie* no ingredient of cheating is made out. Whereas learned counsel for the O.P. No. 2 submits contrary to that.

5. Having considered rival submissions and on perusal of record, the Court finds that no ingredient of cheating is made out in the present case. It's a civil dispute between both sides and no criminal offence is made out. So continuation of criminal proceeding will be abuse of process of the court.

6. Accordingly, cognizance order dated 03.07.2013 and subsequent criminal proceeding in Complaint Case No. 602 of 2013 pending in the court of the Judicial Magistrate, 1st Class, Chapra is quashed. Application stands allowed.

(Arun Kumar, J)

Sujit/-

U		T	
---	--	---	--

