

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35818 of 2014

Arising Out of PS. Case No.-204 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Ritesh Kumar Son of Kundan Kumar resident of Mohalla- Pankha Toli, Aam Gola, P.S.- Kaji Mahmmadpur, District- Muzaffarpur
 2. Sunil Kumar "Suman" Son of Chandeshwar Prasad Singh
 3. Dinesh Mandal @ Dinesh Kumar Mandal Son of Bhunsa Mandal @ Bhuneshwar Mandal
 4. Rajesh Kumar Son of Pateshwar Mandal All resident of village- Ladoura, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manila Devi Wife of Sudhan Mandal resident of village- Bakarpur, P.S.- Kudhani, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh
For the Opposite Party/s : Mr. BHARAT BHUSHAN(APP)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 20-02-2018

Heard learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners seek quashing of the order dated 01.10.2013, passed by learned S.D.J.M., (West), Muzaffarpur in Complaint Case No.204 of 2013 thereby taking cognizance of the offence under Sections 420, 406, 467, 468, 364, 120(B) and 34 of the Indian Penal Code.

3. The brief facts giving rise to the complaint filed by opposite party no.2 is that there was a land deal in between the complainant



and the accused persons and one day she was kidnapped by some of the accused persons, kept in confinement and forcibly took her signature for executing sale deed of 1 Acre 9.5 Decimals of land to Sanjay Kumar Pandey, the representative of the Techno Culture Building Centre Private Limited, Muzaffarpur on 08.12.2012. The sale deed was registered and thereafter they left her at Patna and informed that altogether Rs.19,00,000/- has been deposited in her account as consideration amount.

4. Learned counsel for the petitioners submits that the sale deed was executed in favour of Sanjay Kumar Pandey, the representative of one Techno Culture Building Centre Private Limited, Muzaffarpur for development of the land and construction of residential buildings of Vastu Vihar and in the said deal the petitioners only acted as brokers. The complainant wanted more money and was not satisfied with the consideration amount, therefore, belatedly lodged the complaint after lapse of two months of the execution of the sale deed. The complainant later on entered into compromise with Sanjay Kumar Pandey and Manoj Tiwary and others as part of the land was returned back to her by a sale deed executed by Techno Culture Building Centre Private Limited, Muzaffarpur and Rs.2,00,000/- was also paid to her, so she entered into compromise with them in the present case and on that basis the cognizance order against them was quashed by order dated 08.09.2017, passed in Cr. Misc. No.5864 of



2014. However, no *prima facie* offence is made out against the petitioners. They only acted as brokers. Allegation of kidnapping is patently absurd as no such complaint or police case was instituted immediately after execution of the sale deed.

5. Having considered the said facts and circumstances and on perusal of the records, the Court finds that the complainant has already compromised with the principle accused of the case in whose favour the land was transferred by registered sale deed. Admittedly the land was not transferred in the name of the petitioners. Even they are not the witnesses or identifier of the concerned sale deed, so continuation of criminal proceeding against the petitioners would be abuse of the process of the court, hence, criminal proceeding against the petitioners inclusive of the cognizance order dated 01.10.2013, passed by learned S.D.J.M., (West), Muzaffarpur in Complaint Case No.204 of 2013 stands quashed.

6. The quashing application stands allowed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2018
Transmission Date	23.02.2018

