

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15610 of 2014

Arising Out of PS. Case No.-69 Year-2013 Thana- RAJIVNAGAR District- Patna

Raj Banshi Singh S/o Late Ram Pujan Singh Resident of Village Raghapur,
Police Station Rani Talab, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Premjeet Kumar S/o Krishna Nandan Prasad Singh Resident Of Mohalla
Rajeev Nagar Road No. 9(C), Police Station Rajeev Nagar, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar
For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT

Date : 11- 04-2018

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 26.02.2014 passed in A.B.P. No. 3639 of 2013 by the learned Sessions Judge, Patna, whereby and whereunder the learned Sessions Judge rejected the prayer of the petitioner for reduction/easy installment of payment in favour of the informant.

The prosecution case, in brief, is that the petitioner and two others came at the house of the informant for selling the land by giving assurance that the land is not the disputed one and shown the relevant documents. Thereafter, the informant got the agreement for sale of the said land, but later



on informant came to know that the petitioner and two others by showing the false paper had executed the sale deed of fake land and neither they have given any paper nor gave possession of the alleged land. They after making conspiracy misappropriated about Rs. 25,00,000/-.

Submission of learned counsel for the petitioner is that in fact, the petitioner had taken only Rs. 2,00,000/- and he is ready to return the aforesaid two lacs. In the light of the order dated 03.11.2014, out of two lacs, one lac was paid vide Draft No. 484968 on 21.01.2015 and after cancellation of the Agreement Deed No. 30592 of 2012, the Opposite Party No. 2 on 25.10.2017 paid the remaining amount of Rs. one lac through Draft No. 369739 on 31.07.2017, as stated in paragraph nos. 5 and 6 of the interlocutory application filed in this case. Learned counsel, therefore, submits that in the aforesaid circumstance, the present prosecution is fit to be quashed

Having considered the above submissions and facts and circumstances of the case, this Court is of the opinion that in view of the aforesaid developments, continuance of the present proceeding would be an abuse of process of the Court. Accordingly, the entire criminal



proceeding in connection with Rajiv Nagar P.S. Case No.
69 of 2013 is, hereby, quashed.

This application stands allowed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
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