

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12649 of 2015

Arising Out of PS.Case No. -657 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Md. Gufran @ Md. Gufran Ahmad , son of late Md. Asarfiuddin
2. Bibi Rubeena, wife of Md. Gufran @ Md. Fufran Ahmad, D/o Mehruz Alam.
Both residents of village- Madhepura, Ward No. 11, P.S. & District- Madhepura.
..... Petitioner/s

Versus

1. State of Bihar
2. Md. Manna, son of Md. Idris, resident of village- Majhat Tola, Islampur, P.S.-
Singheshwar, District- Madhepura.
..... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 18-01-2018

Heard learned counsel for the petitioners, learned
counsel for the O.P. No. 2 as well as learned counsel for the State.

2. This application has been filed by the petitioners for
quashing cognizance order dated 24.11.2014 passed by the Sub
Divisional Judicial Magistrate, Madhepura in Complaint Case No.
657 of 2014 thereby taking cognizance of offence under Sections 323,
420, 467, 468, 504 and 506 of Indian Penal Code.

3. Learned counsel for the petitioners submits that
allegation levelled in the complaint did not constitute any criminal
offence rather it is purely a civil dispute. Petitioner no. 1 had executed
a sale deed in favour of complainant but he had himself sold, prior to



that, some part of the plot to his wife, which was not executed to the complainant; moreover no any document has been filed relating to sale deeds executed by the petitioner no. 1 in favour of the petitioner no. 2.

4. Contrary to that, learned counsel for the O.P.No. 2 submits that same land was sold by the petitioner no. 1 to his wife prior to execution of sale deed to the complainant, so obviously complainant has been cheated, as consideration money was paid by the complainant.

5. Allegation made in the complaint is that Md. Gufran, petitioner no. 1, executed a sale deed in favour of the complainant on 30.07. 2009. Complainant went over the land to cultivate the land in the year 2014, then one Brajesh Kumar objected him and said that the land was purchased by him by the wife of Md. Gufran, as prior to execution of sale deed to the complainant, Gufran had already executed sale deed in favour of his wife, pertaining to the same piece of land. Complainant had paid Rs. 52,000/- as consideration money, so crux of the allegation is that prior to execution of sale deed by the petitioner no. 1, he had already sold the same land to his wife, petitioner no. 2, so both entering into the conspiracy have cheated the complainant.

6. The allegations made in the complaint do constitute



prima facie offence of cheating but no *prima facie* offence of making forged document is made out, for which petitioners may raise the issue at the time of framing of charge.

7. Accordingly, this application stands dismissed with the aforesaid observation.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2018
Transmission Date	24.01.2018

