

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7480 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Sanjay Kumar, son of late Jageshwar Prasad, resident of Mohalla- Bharaopar,
P.S.- Laheri, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Jugnu Kumar Singh @ Jugnu Kumar, son of late Mahendra Prasad Singh,
resident of Quarter No.-WD/23, 3 No. Pahadi Thauda, P.O. Sunday Bazar, P.S.-
Gandhinagar, District- Bokaro (Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate

For the Opposite Party No.1: Mr. APP

For the Opposite Party No.2: Mr. Sumeet Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 10.09.2015 passed by the Chief Judicial Magistrate, Nalanda, at Biharsharif, in Complaint Case No.160-C/2015 by which learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 420 Indian Penal Code.

Heard counsel for the parties.

In the Complaint Petition, there is specific allegation that petitioner has purchased the land of the Complainant's mother in



conspiracy with other accused persons knowing the fact that the said land belonged to the mother of the Complainant. It is also alleged in the Complaint Petition that the petitioner had filed petition for mutation before the Circle Officer, but mutation was not done in favour of the petitioner because he had filed forged certificate of Mukhiya.

A Supplementary Affidavit has been filed stating therein that Title Suit has also been filed by the Complainant vide Title Suit No.203 of 2015. Plaint of the aforesaid suit has been filed with Supplementary Affidavit.

Counsel for the Opposite Party No.2-Complainant submits that by executing aforesaid sale deed forgery has been committed by the accused persons.

The Hon'ble Supreme Court in the case of *Md. Ibrahim Vs. State of Bihar* reported in (2009) 8 SCC 751 has held that several disputes of a civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes.

From the allegation in the Complaint Petition, this Court finds that there is no illegality in the impugned order passed by the Court below.

This application is, accordingly, **dismissed**.



The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of Charge, which shall be considered and disposed off by the learned Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	25-08-2018
Transmission Date	25-08-2018

