

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19419 of 2014

Arising out of PS. Case No.-211 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Subodh Kumar Son of Arjun Prasad Residence of Mohalla- Laljee Tola, P.S.-
Gandhi Maidan, District- Patna, Deed Writer, licence No.-192/2002, Registry
office, Patna Sadar, P.S.- Gandhi maidan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Poonam Devi Wife of Sri Bhushan Prasad, resident of Mohalla-
Bishunpuri, Chitkohra, P.S.- Gardanibagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr. Nityanand (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 18-07-2018

Seeking quashing of an order dated 12.07.2013
passed by Miss Rashmi, Judicial Magistrate, 1st Class, Patna in
Complaint Case No. 211(C)/2013 for the offences registered
under Sections 420, 465, 467, 468, 469, 471, 504 and 120B of
the Indian Penal Code, this application has been filed under
Section 482 Cr.P.C.

From the records it is seen that the respondent
complainant has filed the complaint against 10 persons which
include the present applicant Sri Subodh Kumar. The present
applicant is only a licensed Deed Writer and it is alleged that the
documents which were fraudulently prepared by Jitendra Kumar



and others to dispossess the respondent complainant from the land were got prepared by the Deed Writer i.e. the petitioner.

Except for making the aforesaid allegation in the body of the complaint, there is no material available on record to show that the petitioner as a Deed Writer has entered into a conspiracy with the other co-accused persons for denying the rightful claim of the complainant. In the entire complaint, there is no whisper about any conspiracy or overt act on the part of the petitioner in the matter of dispossessing the complainant from the lands in question. The only allegation is that the fabricated document on the basis of which the other co-accused persons are claiming the benefit was written by the present petitioner. Based on the aforesaid simple allegation without there being any material to show involvement of the present petitioner in framing of the conspiracy and the ingredients necessary for constituting the offence under Section 120B I.P.C. having not made out and that apart there being no iota of factual whisper anywhere in the complaint with regard to offence committed by the petitioner under Sections 420, 465, 467, 468, 469, 471, 504 and 120B of the Indian Penal Code, it is a fit case where relief to the present applicant should be given and there being no prima facie case made out, the complaint is liable to be



quashed.

Accordingly, this application is allowed and the entire proceedings of Complaint Case No. 211(C)/2013 is quashed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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