

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4395 of 2016

Arising Out of PS. Case No.-2773 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Pankaj Kumar Sinha @ Neelu Singh S/o Sri Shailendra Kumar Sinha R/o
Kurjee More, Malti Market, P.S. Digha, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Singh S/o Late R.P. Singh R/o Sri Krishnapuri Boring Road, P.S.
S.K. Puri, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh(App)
For the Informant	:	Mr. Apurv Harsh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 18-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 11.2.2013 passed by the J.M., 1st Class, Patna in Complaint case no. 2773(c) of 2012 by which learned Magistrate has taken cognizance for the offence under Sections 420 and 406 IPC.

Heard learned counsel for the petitioner, opposite party no.2 and the State.

Learned counsel for the petitioner has submitted that it is a matter of purely civil dispute. He has further submitted that in terms of the agreement entered into between the parties opposite party no.2 has not paid the entire consideration money and, therefore, the sale deed was not executed.



Learned counsel for the opposite party no.2 has submitted that he has entered into an agreement for purchase of 7 kathas of land with the petitioner on 6.11.2007 and has paid an amount of Rs. seven lacs. The complainant, later on, learnt that for the same land petitioner has also entered into an agreement on 25.7.2007 with Krishna Singh and Rabindra Singh. When petitioner did not execute the sale deed Krishna Singh filed complaint against the petitioner.

The learned Court below after looking into the statement of the complainant and other witnesses, agreement entered into between the parties as also the allegation in the complaint petition has found *prima facie* against the petitioner.

The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned orders passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

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)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21. 09.2018
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