

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8438 of 2015

Arising Out of PS. Case No.-2219 Year-2012 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Sajruddin Khan
2. Pravesh Alam Khan @ Parvez Alam @ Pervez Alam
Both sons of Fakhruddin Khan, resident of Village Baranni P.S. Cherki at District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Yadav, son of Krishna Yadav
Resident of Village Khataka, Chaknaili, P.S. Civil Line, Gaya at District-
Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai (APP)
For Opposite party no.2 : Mr. Arvind Kr. Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 21-03-2018 On a bare perusal of the complaint and the averments that have come on record, it is clear that the grievance of the petitioners is that after paying Rs.2,23,000/- for purchase of the land in question, the sale deed was executed, but possession is not being handed over to them. In my view, in the matter of registration of a sale deed and seeking possession of the land, no offence punishable under Sections, 420, 120(B), 467, 468 and 471 of the Indian Penal Code is made out.

That being so, it is a case where there is a civil dispute with regard to handing over of possession after execution of the sale deed and a criminal proceeding against the applicants and the offence in question is not called for. It is a fit case where the



criminal proceeding should be quashed and the Registrar General of this Court is directed to take note of the fact that the Judicial Magistrate concerned without appreciating the facts and law has proceeded in the matter.

Let an explanation be called for from the concerned Judicial Magistrate Ist Class, Gaya, as to how and in what manner he has registered the complaint case where only the dispute is with regard to handing over the possession after execution of the sale deed.

Finding the criminal case initiated without due application of law, the proceedings in Complaint Case No.2219 of 2012 pending before the Judicial Magistrate, 1st Class, Gaya, is quashed.

However, liberty is granted to the complainant to take recourse to the common remedy of law for restoration and seeking possession of land.

With the aforesaid, the application stands allowed and disposed of.

(Rajendra Menon, CJ)

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