

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14143 of 2014

**Arising Out of PS.Case No. -76 Year- 2013 Thana -KATIHAR
COMPLAINT CASE District- KATIHAR**

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1. Narendra Kumar Roy
2. Shankar Kumar Roy
3. Satyendra Kumar Roy All Sons Of Late Sudarshan Kumar Roy
4. Swaroop Kumar Roy
5. Sandeep Kumar Roy Both Sons Of Late Sarveshwar Kumar Roy All Resident Of
Village Sultanpur, P.S. Barsoi, District Katihar Petitioners

Versus

1. The State Of Bihar
2. Md. Sahil Alam Son Of Md. Yunush Resident Of Village Sultanpur, P.S. Barsoi,
District Katihar Opposite Parties

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Appearance :

For the Petitioners : Mr. Jibendra Mishra, Advocate
For the Opposite Parties : Mr. T. N.Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date: 31-01-2018

Heard counsel for the petitioners and the APP for the
State.

The petitioners pray for quashing order dated 30.05.2013,
passed by the Judicial Magistrate 1st Class, Katihar in Complaint
case no. 76 of 2013 by which summons have been issued against the
petitioner for facing trial under section 420 IPC.

Counsel for the petitioners submits that the matter is
predominantly civil in nature and that the complainant has an
alternative remedy. From perusal of the complaint case, it appears
that the allegations are that some lands which have already been
acquired by the State of Bihar for which compensation has also been



received by the accused persons, have been sold to the complainant giving rise to a cheating case against them. He further submits that the fact that the land in question is acquired land, is not true as the complainant has filed a requisition application in the land acquisition case relating to the same lands wherein the name of the complainant has been shown to be that one Bulaki Yadav and not the petitioner. A copy of the requisition application is contained in Annexure 10.

Perusal of the complaint reveals that *prima facie*, there is sufficient material against the petitioners for taking cognizance of the offence, as such, this Court would not interfere in the matter exercising jurisdiction under section 482 of the Code of Criminal Procedure. The instant petition is dismissed.

However, it would be open for the petitioners to raise all the points including Annexure 10 at the appropriate stage before the court below, which the court below shall be obliged to consider in accordance with law without being prejudiced by the dismissal of the instant application.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
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