

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30348 of 2015

Arising Out of PS.Case No. -1849 Year- 2013 Thana -PATNA COMPLAINT
CASE District- PATNA

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Suresh Prasad @ Suresh Rai Son of late Hariphan Rai Resident of Village Betaura,
P.S Beur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajdeo Singh Son of late Yadu Singh Resident of Village -Betaura, P.S Beur,
District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlendu Kumar Thakur
For the State	:	Mr. Yogendra Kumar Singh, APP
For Opp. Party No. 2	:	M/s Bombahadur Sha, Suryakant Mishra and Sushil Kumar Jha

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-03-2018

Seeking quashment of Complaint Case No. 1849(C) of
2013 pending in the court of learned Judicial Magistrate 1st Class,
Patna, for offence under Sections 406, 420, 323, 341, 504 and 506
IPC, this application has been filed.

On going through the complaint, the material that has
come on record and the allegations made, it is seen that after
executing the agreement of sale of land and after accepting the
advance for purchase of land, i.e. Rs.5 lakh, when the petitioner
refused to execute the sale deed the complaint case was filed, inter
alia, complaining that offence of cheating and criminal breach of trust



are made out.

On going through the record and on bare reading of the complaint it is clear that what is made out from the complaint is that there is breach of an agreement and the dispute in question is a civil dispute pertaining to non-registration of a sale deed after execution. The grievance seems to be that after having executed the agreement for sale in favour of the complainant the land has been sold to accused no. 2.

Even if the allegations as made out in the complaint are correct, it is only a case of civil dispute pertaining to breach of an agreement for sale of land and, therefore, in my considered view, no offence criminal in nature is made out on the face of the complaint and the complaint being untenable is quashed.

This application is allowed. The petitioner is discharged of the proceedings in Complaint Case No. 1849 (C) of 2013 before the trial court.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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