

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22712 of 2015

Arising Out of Complaint Case No. 2308 (C) Year- 2012 Thana -PATNA
District- PATNA

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1. Raju Kumar
2. Shambhu Nath
3. Ranjan Kumar @ Navin Kumar All sons of Late Sakaldeo Pujari, resident of Mohalla- Dwarika Mandir, Boring Road, P.S.- S.K. Puri, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rameshwar Upadhyaya @ Naga Babu, son of Late Ram Kewal Upadahya, resident of Tribhuwan Kothi (Near Jain College) Mohalla- Kankanpur, Post Office- Nawada, District- Ara (Bhojpur), present residing at B/12 Vivekanand Park, Patliputra Colony, P.S.- S.K. Puri, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh
For the State : Mr. Sanjay Kumar Pandey, APP
For OP No. 2 : Ms. Madhubala Verma

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-03-2018

Challenging the order dated 08.05.2013 passed in Complaint Case No. 2308(C) of 2012 for offence under Sections 406 and 420 IPC by the First Class Judicial Magistrate, Patna, this application under Section 482, CrPC has been filed.

Having gone through the records of the case it is seen that the complainant had entered into an agreement with the applicants herein for sale of 13 kathas of land vide agreements dated 7.1.2010 and 12.5.2011. It is the grievance of the complainant that after entering into the agreement it has been found on enquiry that



various disputes about the land in question are pending not only before the Revenue Authorities but also before the Bihar State Religious Trust Board and, therefore, the complaint case was lodged.

The learned trial court having taken cognizance of the complaint this application for quashing the proceedings.

Having heard learned counsel for the parties this Court finds that where allegation is made on the bare complaint because no ingredients as specified under Section 406 and 420 IPC are satisfied merely because some disputes remain pending with regard to the land in question inspite thereof the agreement for sale was entered into the offence cannot be made out. At best a dispute civil in nature for breach of agreement can be made out and for the same initiating a criminal proceeding, in my considered view, was not permissible.

Accordingly, the application stands allowed. The order dated 08.05.2013 is set aside and the proceedings in Complaint Case No. 2308(C) of 2012 are quashed.

(Rajendra Menon, CJ)

mrl/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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