

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4256 of 2016

Arising Out of PS.Case No. -46 Year- 2010 Thana -GOH District- AURANGABAD

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1. Shambhu Sharan Dubey, S/o Late Umanath Dubey
 2. Amarnath Dubey, son of Shambhu Sharan Dubey
 3. Kundan Kishore Pandey, son of Late Srikanth Pandey
- All resident of Village P.O. & P.S. Goh District- Aurangabad.
4. Baleshwar Prasad Verma @ Baleshwar Verma, son of Sri Dinanath Ambastha working as Rajaswa Karamchari Anchal & P.S. Goh & District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nawal Kishore Dubey, son of Late Sardar Dubey, resident of Village & P.S. Goh, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.
For the State : Mr. Satyendra Nr. Singh, A.P.P.
For the opposite party No. 2 : Mr. Prince Kumar Mishra, Advocate.
Mr. Ranjeet Tiwary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 24.11.2014 passed by learned Additional Sessions Judge-IV, Aurangabad, in Criminal Revision No. 99 of 2011/27 of 2012 by which the learned Sessions judge has rejected the application and affirmed the order dated 27.6.2011 passed by learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, by which the learned Magistrate took cognizance against the petitioners and other accused persons for the offences under Sections 406, 420, 467, 468, 471 and



120B of the Indian Penal Code.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. Counsel for the petitioners submits that it is a matter of purely civil dispute. The learned Magistrate as well as Revisional Court have not considered the facts of the case and have passed the impugned orders.

4. Counsel for the opposite party No. 2 has submitted that petitioners have already filed Criminal Revision No. 99 of 2011/27 of 2011 which has been dismissed by the learned Sessions Judge Aurangabad vide order dated 24.09.2014. The instant petition under Section 482 Cr. P.C. has been filed in the garb of second revision without giving any fresh ground for quashing the order of learned Sessions Judge.

5. This Court after hearing the parties and looking into allegation in the complaint petition as well as impugned orders passed by the learned Magistrate and learned Revisional Court, finds that the informant has alleged in the complaint petition that land in question was gifted to the informant by late Parmanend Dubey and rent receipt was being issued in his name. The informant was in peaceful possession over the same but, suddenly in the year 2008, the informant went to the Block office and learnt that the demand of



aforesaid property has been opened in the name of the accused persons on the basis of application filed on 10.10.2007. Subsequently, the demand was shifted in the name of Chandrashekar Dubey, Amarnath Dubey and Gaurav Dubey. It is further alleged that accused persons have taken loan from Punjab National Bank mortgaging the aforesaid land. It is also alleged that accused persons committed wrong in connivance with the staff of Block office. One Partition Suit has also been filed vide Partition Suit No. 62 of 2000, in which the informant became intervenor. It is also alleged that informant made request on 11.2.2010 to rectify the records but the same was not rectified. Thereafter, the instant complaint was filed which was sent to Police Station under Section 156(3) Cr. P.C.

6. The police after investigation has submitted final form stating that the disputes are of civil nature. The learned Magistrate however took cognizance against the petitioners. Thereafter, the petitioners preferred Criminal Revision No. 99 of 2011/27 of 2012 which was dismissed by reasoned order dated 24.11.2014.

7. This Court finds that the Revisional Court has passed the impugned order affirming the order of learned Magistrate after taking into consideration the materials available on record.

8. Therefore, this Court does not find illegality in the



impugned order.

9. This Criminal Miscellaneous application is accordingly dismissed.

10. The court below will proceed with the case in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/09/2018
Transmission Date	27/09/2018

