

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56234 of 2015

Arising out of Complaint Case No.-409 Year-2015 Thana- PATNA COMPLAINT CASE
District- Patna

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1. Deena Nath Gupta @ Deena Nath Prasad Gupta, Son of Late Yamuna Ram,
 2. Smt. Sangita Gupta, Wife of Deena Nath Gupta Both are resident of House No. 1189, Home Science College, Jaiswal Bhawan, Napier Town, P.S.- Kotwali, District- Jabalpur.
 3. Ramesh Kumar Gupta, Son of Ram Nath Gupta, resident of House No, 583/AB-2A, Anand Colony, Jaiprakash Ward, P.S.- Kotwali, District- Jabalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindeshwar Prasad Gupta, Son of Late Yamuna Ram, Residing at Quarter No. C/9 New Punaichak, P.S.- Shastri Nagar, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithish Kumar Lal, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 25-04-2018

Seeking quashing of Complaint Case No. 409 (C) of 2015 registered vide order dated 05.06.2015 passed by Kumari Jyotsna, Judicial Magistrate, 1st Class, Patna in Complaint Case No. 409(C) of 2015 registered for offences under Sections 406 and 506 I.P.C., this application has been filed.

A bare perusal of the complaint goes to show that according to the complainant, Petitioner No. 1 is his brother and Petitioner Nos. 2 and 3 are the wife and father-in-law of



Petitioner No. 1. It is stated that father of Petitioner No. 1 and the complainant had purchased a piece of land fully detailed in the complaint and it is stated that in a partition the Petitioner No. 1 had got certain piece of land. It is further stated that an oral understanding was reached between the parties for sale of the land. The petitioner had paid consideration of Rs. 40,000/- and 2,000/- and when the sale-deed was not executed, the complaint in question has been filed.

Only by making bald allegation to this effect and without producing any material or documents in support of the payment, the complaint case has been filed. A perusal of the nature of the allegations made in the complaint case goes to show that the same is a civil dispute between the family members with regard to transfer of the land and sale and purchase after the partition of the family properties and a purely civil dispute between the parties has been converted into a criminal offence.

A perusal of the pleadings available on record, namely, the complaint and the statement of the witnesses shows that the ingredients necessary for constituting offence under Sections 406 or 506 I.P.C. as are required is not made out.

Accordingly, the application is allowed and the



complaint case bearing No. 409(C) of 2015 quashed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.05.2018
Transmission Date	01.05.2018

