

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4972 of 2016

Arising Out of PS.Case No. -199 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Md. Anwar, s/o late Md. Soab, resident of Village Mobarakpur, Hasanpur, P.S.
Birpur District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rijwan, Son of Abdur Rasik
3. Md. Shamim Ahmad, S/o Md. Rijwan
Resident of Both Village Karichak, Chhapki, P.S. Birpur District Begusarai.
4. Md. Nasim Ahmad, S/o Md. Rijwan, resident of Village Mobarakpur
Hasoranpur, P.S. Birpur District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.
For the State : Ms. Asha Devi, Advocate.
For opposite party No. 2 : Mr. Pankaj Kr. Singh,

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 14.09.2015 passed by learned Additional Sessions Judge-VIII, Begusarai, in Criminal Revision No. 256 of 2014 by which the learned Sessions Judge has set aside the order dated 24.05.2014 passed by the learned Magistrate by which he has found *prima facie* case against the petitioners and other accused persons in Complaint Case No. 199C of 2013 for the offences under Section 420 of the Indian Penal Code and ordered to issue summon against the



petitioners and other accused persons.

2. Heard learned counsel for the petitioners and learned counsel for the State as well as opposite party No. 2.

3. Counsel for the petitioner submits that after holding enquiry under Section 202 Cr. P.C. the learned Magistrate has found prima facie case against the petitioner for the offence under Section 420 of the Indian Penal Code by order dated 24.05.2014. The accused persons have filed Revision application before the learned Sessions Judge-VIII, Begusarai, vide Criminal Revision No. 256 of 2014 by which the Revisional Court vide order dated 14.09.2015 has set aside the order dated 24.05.2014 passed by learned Magistrate, on the ground that dispute is civil in nature.

4. From perusal of the allegation in complaint petition, this Court finds that main allegation against opposite party Nos. 2 to 4 is that they have sold the land in excess of their share which belonged to share of the petitioner.

5. This Court from perusal of the complaint petition finds that for the grievance of the complainant (petitioner) civil remedy is available to him. It also appears from complaint petition that both parties are agnates.

6. Therefore, this Court does not find any illegality in



the Revisional order.

7. This Criminal Miscellaneous application is accordingly dismissed.

S.Ali/-

(Sanjay Priya, J)

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

