

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2397 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Muzaffarpur

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1. Poonam Kumari Sharma , Wife of Nageshwar Sharma
2. Nageshwar Kumar Sharma, Son of Late Bipat
Both Residents of Mohalla Sahu Road, P.S. Town, District Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Amita Singh Wife of Rajeev Ranjan,
Resident of Village Bendu Baruan, P.S. Ramgarwa, District East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza
For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 26-07-2018

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

2. The petitioners have filed this quashing application for
setting aside the impugned order dated 17.09.2014 passed in Cr.
Rev. No. 177 of 2012 by learned 3rd Additional Sessions Judge
Muzaffarpur, whereby rejecting the revision application filed
against cognizance by the petitioners in Complaint Case. No.
1944 of 2008, the cognizance taken against the petitioners under
Sections 420, 468 and 471/34 of I.P.C has been affirmed.

3. The fact brief giving rise to the complaint is that the
petitioners sold a piece of land to the complainant without
having any right and title over the land on the basis of forged



and fabricated unregistered sale deed after receiving consideration money given by the complainant to the petitioners.

4. Learned counsel in his argument laid much emphasis, giving stress that the facts alleged in the complaint is essentially dispute of civil nature and *prima facie* no criminal offence is made out and the complainant earlier filed a police case in which final form was submitted and the revisional court also though observed that the dispute appears civil in nature but has refused to interfere with the cognizance order.

5. Whereas, learned counsel appearing on behalf of the State opposes the prayer and submits that *prima facie* case of fabricating forged document and consequently offence of cheating the complainant by the accused is made out.

6. Having considered the rival submissions and on perusal of record, the Court finds that land was sold by the petitioners to the complainant taking consideration money from him without having ostensible right and title over the land. The vendor, the petitioner claimed title on the basis of sale deed , unregistered one, which is on a non judicial stamp paper not executed before the appropriate authority. There is also allegation that the owner of the land Talat Farzana also discloses that she has not sold the land to the petitioners. So , having considered these aspects as



the sale deed is not a registered one and alleged to be a forged deed, so *prima facie* case of cheating and forgery is definitely made out against the petitioners to put them on trial. Learned counsel for the petitioners has placed reliance in a case of ***Hira Lal & Ors. vs State of U.P. & Ors.*** reported in ***2009(5) SCALE 418***, but the facts of the present case differs with the referred case by the petitioners so the ratio is not applicable in the present case. Hence, there is no merit in this quashing application warranting interference from this Court, accordingly, this application stands dismissed.

(Arun Kumar, J)

Sujit/ Saurabh

AFR/NAFR	NAFR
CAV DATE	NA
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