

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29051 of 2019

Arising Out of PS. Case No.-690 Year-2018 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. NAGESHWAR SINGH Son of Late Ramotar Singh, Resident of Village-Pachath, Police Station-Beldour, District-Khagaria.
 2. Santosh Kumar Singh @ Santosh Kumar Son of Nageshwar Singh Resident of Village-Pachath, Police Station-Beldour, District-Khagaria.
 3. Nishant Kumar Singh, Son of Nageshwar Singh Resident of Village-Pachath, Police Station-Beldour, District-Khagaria.
 4. Pranay Kumar Singh Son of Nageshwar Singh Resident of Village-Pachath, Police Station-Beldour, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mangli Devi W/o Rudal Sahni Village-Dumari, P.S-Beldaur, Dist.-Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 16-05-2019 Heard learned counsel for the parties.

This order is being passed in the present proceeding under Section 438 of the Code of Criminal Procedure, 1973 with the consent of the parties, to secure the ends of justice, in the light of the stand taken on their behalf, keeping in mind the averments made in the counter affidavit, filed on behalf of opposite party no.2. The case arises out of a complaint petition filed by opposite party no.2 in the court of learned Chief Judicial Magistrate, Khagaria.



It is to be noted that a registered sale deed was executed in favour of opposite party no.2, the complainant. It is alleged in the complaint petition by the complainant that petitioner no.4 had, in fact, executed the sale deed in respect of the same plot of land in favour of one Rupak Kumar, who is also an accused. It is further alleged in the complaint petition that the same was done intentionally in order to defraud the complainant of the amount, which she had paid as consideration money. The amount of consideration money, paid by the complainant to the petitioners, has been disclosed as 19,97,000/-.

It is the petitioners' case, on the other hand, that though same khata and plot Nos. have been mentioned in both the sale deeds, it is not correct to say that the sale deed executed in favour of Rupak Kumar and Seema Kumari is in respect of the same piece of land. It is their case that boundaries of the lands, subject-matter of two sale deeds, are different.

In course of hearing of this case on 15.05.2019, a counter affidavit was filed on behalf of the complainant-opposite party no.2, stating therein that the complainant shall have no grievance of any nature in respect of the dispute, if the consideration amount of Rs. 19,97,000/- was returned to her by the petitioners. It was also submitted by the learned counsel,



appearing on behalf of opposite party no.2 that, to secure ends of justice, and in view of the nature of dispute, this Court, while hearing this application for grant of anticipatory bail, may exercise the inherent jurisdiction under Section 482 of the Cr. P.C. to quash the entire criminal prosecution, once the said amount of Rs. 19,97,000/- is paid back to opposite party no.2.

It is evident that the alleged offence punishable under Section 417, 406, read with 34 of the IPC, of which cognizance has been taken, are compoundable.

Learned counsel, appearing on behalf of the complainant, states that once the said amount of Rs. 19,97,000/- is paid to her, she will have no claim over the land and shall take joint steps with the petitioners for cancellation of the said sale deed, in accordance with law.

Learned counsel for the petitioners, in the light of the stand taken on behalf of the complainant, has handed over to the learned counsel for the opposite party no.2 a demand draft bearing no. 373433 dated 04.05.2019 of Rs.19,97,000/-, prepared in the name of opposite party no.2(Mangali Devi).

In view of the aforesaid, the entire criminal prosecution arising out of Complaint Case No. 690(C) of 2018 stands quashed, to secure the ends of justice.



Let the parties take joint steps to get the sale deed
cancelled, in accordance with law.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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