

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13147 of 2015

Arising Out of PS. Case No.-88 Year-2006 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Ashok Kumar Rajgarhia

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pandit Jee Pandey

For the Opposite Party/s : Mrs.Pushpa Sinha, App

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-05-2019 Heard counsel for the petitioner and counsel for the State.

Counsel for the petitioner submits that the complaint prima facie discloses a pure civil dispute in relation to mutation and registration of the deed and resort of criminal proceeding cannot be justified. In support of his contentions, counsel for the petitioner cites decisions reported in 2015(4) PLJR SC 379 and AIR 2003 SC 976.

Counsel for the petitioner further submits that title suit in respect of same matter was filed on 29.11.2006. Subsequent filing of title suit, after institution of the instant case in January, 2006 would not invalidate criminal proceeding initiated against the petitioner.

Submission of counsel for the petitioner has to be



viewed in the background of the allegation made in complaint itself. The allegation in complaint is that it is the petitioner who had set up accused nos.2 to 4 and mutation was got done in their names by the petitioner. Allegations prima facie justifies the taking of cognizance.

However, petitioner would be at liberty to raise issue at appropriate stage. Court below would be bound to consider the same without prejudice to rejection of his application under section 482 Cr.P.C.

The application is disposed off with the aforesaid observations.

(Madhuresh Prasad, J)

s.hassan/-

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