

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19787 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- PUNPUN District- Patna

1. Umesh Singh, aged about 62 years, Male, S/o Late Yugeshwar Singh, Resident of Village- Akauna, P.S.- Punpun, District- Patna.
2. Sheshnath Singh @ Suresh Singh, aged about 59 years, Male, S/o Late Yugeshwar Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
3. Akhilesh Kumar Singh @ Akhilesh Singh, aged about 54 years, Male, S/o Late Yugeshwar Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
4. Dharendra Singh @ Dharendra Kumar Singh, aged about 50 years, Male, S/o Late Yugeshwar Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
5. Sandeep Kumar, aged about 36 years, Male, S/o Late Kamlesh Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
6. Mithun Kumar @ Shekhar Kumar, aged about 30 years, Male, S/o Umesh Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
7. Manish Kumar @ Bhim Singh @ Shubham Kumar, aged about 32 years, Male, S/o Umesh Singh, Resident of Village Akauna, P.S. Punpun, District Patna.
8. Pinku Kumar @ Shashant Kumar, aged about 38 years, Male, S/o Umesh Singh, Resident of Village Akauna, P.S. Punpun, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-06-2020 Heard Mr. Ravish Mishra, the learned counsel for the

petitioners and the learned counsel appearing on behalf of the

State through video conferencing.

The petitioners by filing this petition under Section 482
Cr.P.C. seek quashing of FIR of Punpun P.S. Case No.128 of 2020,



registered under Sections 447,327, 384, 504, 506 and 34 of the Indian Penal Code.

The informant, Ramjanm Singh alleged in his written petition that Plot No.129 of Khata No.48 and Plot No.126 of Khata No.33 were partitioned among his brother late Jugeshwar Singh. The informant got half share and his late brother also got half share. The informant and the descendants of his late brother are in possession of their share. Some years ago for construction of Bihta-Sarmera road, some portion of Plots No.129 and 126 of Khata Nos.48 and 33 were acquired and his late brother received compensation. The remaining land remained in possession of the informant but the descendants of his late brother forcibly dispossessed the informant and fixed pillar on the lands of the informant.

Learned counsel for the petitioners submits that from perusal of the contents of the FIR, no offence under any section of the Indian Penal Code is made out. The dispute is of civil nature. There was partition between the two brothers. The petitioners were not even present on the place of occurrence. They are government servants and they are working at different places. It is also submitted that a proceeding under Section 144 Cr.P.C. is also initiated and both the parties are restrained from going over the lands in dispute. It is further submitted that the contents of the FIR



disclose the dispute of civil nature, therefore, launching of the criminal case is sheer misuse of process of law, but I find that certainly the informant himself described about the nature of disputes and the fact that the lands were partitioned equally among the two brothers. His brother late Jugeshwar Singh got compensation for acquisition of lands for construction of Bihta-Sarmera road but his descendants, namely, Umesh Singh, Sheshnath Singh, Akhilesh Singh, Dharendra Singh, Sandeep Kumar, Mithun Kumar, Manish Kumar and Pinku Kumar forcibly dispossessed the informant from the land after mishandling him and also fixed pillar in the land of the informant, therefore, I find that this is not a case where the contents of the FIR does not disclose the offence under different sections of the Indian Penal Code. The allegation requires to be investigated by the police and at this stage I am of the view that there should not be any interference in the investigation on the allegations made by the informant.

Having considered the facts, I do not find any merit in this quashing petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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