

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11127 of 2021

Arising Out of PS. Case No.-521 Year-2020 Thana- SONEPUR District- Saran

-
1. PUJA DEVI W/O RAJESH KUMAR GUPTA Resident of Village - Tumkuhi road, P.S.- Sewarahi, Dist.- Kushi Nagar (U.P.) At present resident of Village - Gola Bazar, P.S. - Sonapur, Dist.- Saran.
 2. Rajesh Kumar Gupta @ Rajesh Gupta Son of Nand Kishor Gupta Resident of Village - Tumkuhi road, P.S.- Sewarahi, Dist.- Kushi Nagar (U.P.) At present resident of Village - Gola Bazar, P.S. - Sonapur, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar Son of Late Shiv Janam Raut Resident of Village - Baburbani, P.S. - Sonapur, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-04-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The present petition has been filed for quashing the F.I.R. bearing Sonapur PS case no. 521 of 2020 dated 06.04.2020, registered for the offence punishable under Sections 406, 420, 120(B) of Indian Penal Code against the petitioners and three other co-accused persons.

The learned counsel for the petitioners has submitted that a bare perusal of the F.I.R. would show that the dispute in question appears to be a civil dispute, inasmuch as the informant had transferred a sum of Rs. 6 lacs into the account of the co-accused



person namely Kanti Devi and thereafter, the informant is stated to have given a sum of Rs. 10 lacs to the son of the said co-accused Kanti Devi. It is also stated that as far as the petitioners are concerned, they have got no role to play in the alleged incident and the only allegation levelled against them is that they had facilitated meeting of the informant and other co-accused persons for the purpose of sale/ purchase of a piece of land. It is further submitted that subsequently, the said co-accused persons namely Kanti Devi and her son Vikash Kumar refused to either return the money or execute the sale deed.

This Court is of the view that all the issues raised in the present petition as also those argued before this Court, can be raised by the petitioners before the learned court below by taking recourse to such remedies as are provided for, in the Code of Criminal Procedure, to which, the learned counsel for the petitioners has got no objection.

In such view of the matter, the present petition stands disposed off as not pressed, however with liberty to the petitioners to raise all the aforesaid issues raised either before this Court or in the present petition, before the learned court below, by taking recourse to such remedies as are available under the Cr.P.C.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

