

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10985 of 2023

Arising Out of PS. Case No.-972 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Most. Girija Kuar W/O Late Ganesh Singh R/V- Dariht, P.S.- Dariht, District- Rohtas
 2. Kiran Devi W/O Dinesh Kumar Singh R/V- Bastipur, P.S.- Indrapuri, District- Rohtas
 3. Dinesh Kumar Singh S/O Late Banarsi Singh R/V- Bastipur, P.S.- Indrapuri, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sheo Kumar Gupta S/O Ram Das Shah R/V- Darihat, P.S.- Darihat, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-03-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This application has been filed for quashing the order dated 19.12.2022 passed by learned Sessions Judge, Rohtas at Sasaram in Cr. Revision No. 15 of 2022 by which the learned Sessions Judge, Rohtas at Sasaram has confirmed the order dated 23.03.2021 passed by learned Sub-Judge-IVth-cum-A.C.J.M. in Complaint case No. 972 of 2019 by which learned ACJM has taken cognizance for the offences under Section 420/34 of the IPC against the petitioners and dismissed the



revision application.

The prosecution story in short is that:- the complainant alleged that he purchased 17.05.2014 a piece of land on appertaining to *Khata* no.484, Plot no.2079, measuring an area of one *Khata* in the name of his wife through a registered sale-deed executed by petitioner no.1 *Girija Kuar* after realizing the consideration amount i.e. 5 lakh 75 thousand. The complainant further stated that the land in question got mutated in the name of his wife *Sangeeta Devi* and on that 13.09.2019, one *Kapil Deo Singh* began to fill up soil on the said land and when the complainant prevented *Kapil Deo Singh* from filling of soil in his purchased land and got a proceeding under section 144 Cr.P.C. in the Court of S.D.M. *Dehri* and notices was served on 14.09.2019. The complainant further alleged that during the inquiry under section 144 Cr.P.C. S.H.O. *Darihat* called *Anchal Clerk Dehri Block*. Then it came to light that the father-in-law of *Girja Kuer* sold the disputed land in favour of *Sadhu Ram* and others in his life time and purchasers had constructed their house over the disputed land and there is no plain land in that plot and as such the petitioners committed played the offence fraud and cheated the complainant and grabbed his money. On the basis of the complaint petition, the



S.A. of the complainant and deposition of witnesses learned Sub-Judge, IVth cum A.C.J.M. illegally took cognizance against the petitioners vide his order dated 23.03.2021 passed in Complaint Case no.972/ 2019 ignoring this fact that the dispute is purely of civil nature and this complaint case has been filed to settle civil dispute in the guise of criminal dispute.

From seeing the materials available on record, it appears that the offences against the petitioners is made out under Section 420 of the I.P.C.

Accordingly, this application is dismissed.

(Sandeep Kumar, J)

Shishir/Vikas

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