

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15156 of 2023

Arising Out of PS. Case No.-599 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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SUNITA PANDEY Wife of Sri Visheshwar Pandey, D/O Late Krishna Pandey
Resident of- Banpura Pandey Tola, P.S.- Rasulpur, District- Saran, presently
residing at house no. 51, New Azad Nagar, Satwari Road, Shyam Nagar, P.S.-
Chakeri, District- Kanpur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Pandey Son of Late Krishna Pandey Sadha Main, P.S.-
Chapra Muffasil, District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the
order dated 06.05.2022 by which learned A.C.J.M. 1st Saran has
taken cognizance against the petitioner in Complaint Case No.
599/2022, corresponding to Enquiry No. 82/2022, registered for
the offence under Sections 420 & 465 of the Indian Penal Code.

3. As per prosecution case, complainant Pawan
Kumar Pandey filed Protect-cum-Complaint dated 28.02.2022



alleging that he owns land bearing khata no. 300, survey plot no. 1353, 1378 measuring 3 Kathas 5 dhurs, situated at village Sadha under Muffasil P.S., Chapra. It is further alleged that after death of his father in 2004 he became absolute owner of these properties. He has filed Title Suit No. 313/2016 in respect of above mentioned plots as well as other plots which is pending before Sub Judge-1st, Civil Court, Chapra. It is further alleged that accused Sunita Pandey and her husband co-accused Visheshwar Pandey and other accused persons conspired and got executed a registered sale deed dated 30.08.2017 by Sunita Pandey. The sale deed contained wrong recital that the land is free from encumbrance but the fact is that Title suit is pending in respect of the properties and there is an injunction order in favour of complainant.

4. The petitioner is on a land selling spree without getting her share decided. The only submission is that during pendency of the partition suit she can sell the undivided share and therefore she has sold her undivided share. Her undivided share is till date undecided. Moreover, in the present case she has sold the property after giving details of the boundary. The petitioner will have to face criminal prosecution for selling the joint family property without decision of her share and without



carving out her share.

5. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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