

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35037 of 2020

Arising Out of PS. Case No.-151 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Saroj Kumar Mishra S/o Late Paras Mishra Resident of Village- Pakadi, P.S.- Mohammadpur, Distt- Gopalganj.
2. Jai Prakash @ Jai Prakash Mishra @ Ranjan Kumar @ Ranjan Kumar Mishra @ Ranjan Mishra S/o Saroj Kumar Mishra Resident of Village- Pakadi, P.S.- Mohammadpur, Distt- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Kumar Trivedi S/o Late Ramashish Trivedi Resident of Village- Bankati (North), P.S.- Baikunthpur, Distt- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-07-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 18.09.2019 by which learned Judicial Magistrate, 1st Class, Gopalganj has taken cognizance against the petitioners in Tr. No. 2426 of 2019, arising out of Baikunthpur P.S. Case No. 151 of 2018 registered under Sections 420 and 406 of the Indian Penal Code.

3. As per prosecution, informant stated in his F.I.R. that the petitioner no.1 i.e. Saroj Kumar Mishra fraudulently got executed the sale deed of the land in question amounting Rs. 50 lacs in his name of taking the land on lease for business and also



took away the ornaments and document of land keeping them for security purpose and informant asked to return those documents and ornaments, petitioners refused to return these materials.

4. In this case, chargesheet has been submitted and the case has been found true by the police. From the reading of the F.I.R., offences are made out. The only submission of the petitioners are that since the title suit has been filed for cancellation of registered deed, this case should be quashed. There is no merit in the submission of learned counsel for the petitioners even as this Court is of the view that the offences are made out against him and pendency of civil suit will not result in the quashing of the F.I.R., this application is dismissed.

5. The learned Magistrate, Gopalganj is directed to proceed with the trial so that the same is concluded within a year.

6. The Title Suit No. 95 of 2020 is directed to be expedited by the Sub Judge, Gopalganj, and the same is directed to be concluded within two years from the date of receipt of production of this order.

7. With the aforesaid observation and direction, this application is dismissed.



8. Let a copy of this order be communicated to the
District Judge, Gopalganj for its forthwith compliance.

(Sandeep Kumar, J)

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