

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74473 of 2019

Arising Out of PS. Case No.-467 Year-2018 Thana- FATUA District- Patna

Yadunandan Singh, Son of Late Janak Singh, Resident of Village - Daulatpur,
P.S.- Fatuha, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kamlesh Kumar, Son of Ram Babu Singh @ Shri Ram Babu Singh,
Resident of Village - Daulatpur, P.S.- Fatuha, Dist.- Patna.

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 10851 of 2021

Arising Out of PS. Case No.-1240 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

1. Yadunandan Singh, Son of Late Janak Singh.
2. Sanjay Prasad, Son of Yadunandan Singh.
3. Saurav Kumar Son of Sanjay Prasad.
4. Jagdish Singh, Son of Yadunandan Singh.
All resident of Village - Daulatpur, P.S.- Fatuha, District - Patna.

... .. Petitioners

Versus

1. The State of Bihar.
2. Rajesh Kumar Son of Ram Babu Singh @ Pathar Singh, Resident of Village
- Daulatpur, P.S.- Fatuha, District - Patna.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74473 of 2019)

For the Petitioner	:	Mr. Chandra Shekher Prasad, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 10851 of 2021)

For the Petitioners	:	Mr. Chandra Shekher Prasad, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
COMMON ORAL JUDGMENT



Date : 14-03-2023

In Criminal Miscellaneous No.74473 of 2019, the petitioner seeks to quash Fathua P.S Case No. 467 of 2018 dated 12.08.2018, registered under sections 341, 323, 379, 354, 504/34 of the Indian Penal Code.

2. In Criminal Miscellaneous No.10851 of 2021, the petitioners seek to quash Complaint Case No.1240 of 2018 dated 02.11.2018 registered under Sections 323, 341, 379, 504, 506 and 307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the F.I.R. (Fatuha P.S. Case No. 467 of 2018), on 12.08.2018 at about 7:30 P.M in the evening the petitioner and his family members came to the shop of the informant and attacked and assaulted the family members of the informant and also looted an amount of Rs.15,000/- to Rs.20,000/-.

4. In Complaint Case No.1240 of 2018 it has been alleged that while the complainant was working in his field, the petitioners came and started abusing him. When the complainant objected to the same, petitioner no.2 fired upon him but the same did not hit anybody. Thereafter, all the petitioners assaulted the complainant with fists and legs. On alarm, the local people came and rescued the complainant. The reason



behind the incident is that 40 years ago, the father of the complainant had given the entire consideration amount to the petitioner - Yadunandan Singh for purchasing a piece of land but the petitioner - Yadunandan Singh neither executed the sale deed nor returned the amount to the father of the complainant and thereafter the family of the complainant was cultivating the said land and now the petitioners wanted to grab the said land.

5. Learned counsel for the petitioners submits that the petitioners and informant/complainant are neighbours and agnates and there is land dispute between the parties with regard to a piece of land. He further submits that the informant/complainant of both the cases are own brothers and they in connivance with some anti-social elements and muscle men of the locality are trying to grab the land of the petitioners and for that, they used to pressurize and threaten the petitioners and his family members in many ways. He further submits that the petitioner no.2-Sanjay Prasad of Criminal Miscellaneous No.10851 of 2021 had also filed Complaint Case No. 1068 of 2018 against the informant/complainant and his family members.

6. Learned counsel for the petitioners also submits that earlier the wife of the petitioner - Yadunandan



Singh had filed a complaint case against the informant/complainant and his family members and in the said complaint case, a joint compromise petition was filed and the basis of the said compromise petition, the accused persons were acquitted by the Court below vide order dated 25.11.2013.

7. He further submits that the series of litigation between the parties itself indicates that there is a land dispute between the parties and because of that the informant/complainant and his family members are filing cases against the petitioners with an ulterior motive and therefore, the same are abuse of the process of Court. In support of his submissions, learned counsel for the petitioners has relied upon the decisions of the Hon'ble Supreme Court in the case of *State of Haryana & Ors vs Ch. Bhajan Lal & Ors.* reported in *AIR 1992 604* and *Lovely Salhotra and Others vs. State of NCT Delhi* reported in *(2018) 12 SCC 391*.

8. The learned counsel for the informant / complainant submits that the petitioner -Yadunandan Singh being a Law Graduate tried to involve the informant in false and fabricated cases in order to pressurize the informant/complainant to withdraw the cases. He further



submits that the father of the informant/complainant bought a piece of land and started cultivation over the land and since they are agnates, no proper paperwork was done at that time and now the petitioners are trying to grab the said land.

9. I have considered the submissions of the parties. I have also perused the materials available on record including the F.I.R. as well as Complaint Petition. It is not in dispute that there is land dispute between the parties and because of the land dispute, a number of litigations are pending between the parties. From reading of the F.I.R. and the Complaint Petition, it appears that allegations levelled against the petitioners are primarily because of the land dispute and there is no serious allegation against the petitioners. It also appears from the record that it is purely a civil dispute but has been given criminal colour in order to pressurize the petitioners. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. In the opinion of this Court, both the cases are *malafide* prosecution lodged against the petitioners in order to harass them. Therefore, the prosecution should not continue against the petitioners.



10. For the reasons, as stated above, and also considering the law laid down by the Hon'ble Apex Court in the case of *State of Haryana & Ors vs Ch. Bhajan Lal & Ors.* reported in *AIR 1992 604*, the prosecution of the petitioners is fit to be quashed.

11. Accordingly, these applications are allowed. The FIR vide Fathua P.S Case No.467 of 2018 registered under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code and the Complaint Case No.1240 of 2018 dated 02.11.2018 registered under Sections 323, 341, 379, 504, 506 and 307/34 of the Indian Penal Code and under Section 27 of the Arms Act and all the consequential proceedings arising out of the aforesaid F.I.R. and the Complaint Case are hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	03.07.2023.
Transmission Date	03.07.2023.

