

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8875 of 2017

Arising Out of PS. Case No.-278 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

=====

Kishori Singh wife of Late Sachidanand Singh, Resident of Village/Mohalla-
Kanchewa, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vivek Kumar @ Vikek Kumar Upadhyay, son of Om Prakash Upadhyay,
Resident of Mohalla- Sri Krishna Nagar, P.S.- Motihari Town, District- East
Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Uday Bhan Singh
For the Opposite Party/s	:	Mr. Anand Mohan Prasad Mehta
		Mr. Amitabh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The learned counsel for the petitioner submits that
the present application has been filed seeking quashing of the
F.I.R. being Motihari Town P. S. Case No.278 of 2014 instituted
for offences under Sections 426, 417, 406, 420, 120B, 506/ 34
of the I.P.C. The learned counsel next submits that till date, the
case is under investigation and charge-sheet has not been
submitted.

3. It is further submitted that from perusal of the
allegation as alleged in the F.I.R., it would manifest that the



dispute is purely civil to which a criminal colour has been given. It is next submitted that the informant alleges that he contacted the son of the petitioner and came to know that petitioner has a plot of land bearing Khata No.85, Khesra No.36 consisting of an area of one kattha out of which the informant intended to purchase 05 dhur, for which the consideration fixed was Rs.8 Lacs. Accordingly, the informant on direction of the accused persons deposited an amount of Rs.6 Lacs in the account of one Aarti Pandey, daughter of Lal Babu Tiwary. It is next alleged that despite money being deposited in the account of Aarti Pandey based on an instruction of the accused persons, the land was not registered in the name of the informant. Thus, he was cheated.

4. The learned counsel for the petitioner submits that it is not a case of cheating rather the agreement between the informant and the accused persons did not materialize, as such, the land was not sold, but the money of the informant has been returned. It is also submitted that no prudent person would create evidence against himself/ herself by accepting money in the bank account. It is submitted at the cost of repetition that the money has been returned to the informant and the matter has been compromised.



5. The learned counsel for the informant Sri Amitabh Kumar submits that the matter has been compromised and the informant has no objection in the event, the F.I.R. is quashed.

6. Considering the submission made by the learned counsel for the informant, the F.I.R. being Motihari Town P. S. Case No.278 of 2014 instituted for offences under Sections 426, 417, 406, 420, 120B, 506/ 34 of the I.P.C. is hereby quashed.

(Satyavrat Verma, J)

vikash/-

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

