

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.53585 of 2016

Arising Out of PS. Case No.-666 Year-2015 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Ram Pravesh Thakur son of Late Raghubar Thakur Bajitpur Paltola, P.S. Paroo, District Muzaffarpur
 2. Binod Thakur @Binod Kumar son of Ram Adhar Thakur, son-in-law of Ram Pravesh Thakur, resident of village Kishun Nagar Puraina, P.s. Minapur, Muzaffarpur, presently resides at B.K. Flyover Knati, P.s. Kanti, District Muzaffarpur. Petitioner/s

Versus

1. The State Of Bihar
2. Ram Nath Thakur, late Ram Ayodhya Thakur, Village Mangurahiya Bazitpur, P.S. paroo, District Muzaffarpur Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.Smt Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 08-08-2023 Heard the parties.

This application has been filed on behalf of the petitioners for quashing the order dated 19.03.2016 passed in Complaint Case No. C-666/2015 (Trial no. 6734/16) by learned J.M. 1st Class, Muzaffarpur whereby and whereunder cognizance has been taken under Sections 420, 120B of the Indian Penal Code.

As per the prosecution case, the petitioners had taken Rupees One Lakh, but he has not honoured the agreement for sale.

It has been submitted by the learned counsel for the petitioners that the petitioner No. 2 is not the signatory of the agreement for sale.

Learned counsel for the State as well as learned opposite party No. 2 opposes the case and submits that the



petitioners may be directed to return the money in question.

Learned counsel for the petitioners submits that for return of money, the opposite party No. 2 can file a civil suit and the criminal case cannot be used as a weapon for payment of money.

In view of the above, the present application on behalf of the petitioner No. 1 is disposed of with liberty to the petitioner No. 1 to raise all the grounds at the stage of framing of charge.

So far as petitioner No. 2 is concerned, it is admitted position that the petitioner No. 2 is not the signatory of the agreement for sale, therefore, the prosecution of the petitioner cannot be continued.

The present application for quashing on behalf of petitioner No. 2 is allowed.

Accordingly, the order dated 19.03.2016 passed in Complaint Case No. C-666/2015 (Trial no. 6734/16) by learned J.M. 1st Class, Muzaffarpur whereby and whereunder cognizance has been taken under Sections 420, 120B of the Indian Penal Code.

(Sandeep Kumar, J)

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