

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4029 of 2018

Arising Out of PS. Case No.-517 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Rajiv Kumar S/o Kamta Singh, R/o Mohalla- Vishnupuri, Bhikhachak, P.O.
Anisabad, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanjay Chauhan S/o Shri Shiv Nandan Chauhan, R/o Mohanpur, Punaichak,
P.O. and Shastrinagar, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State Mr. Jharkhandi Upadhyay.

2. The learned counsel for the petitioner at the outset
submits that a purely civil dispute was given a criminal colour
and the instant criminal case was instituted one year after the
suit for specific performance was instituted by the O.P. No.2
herein in which the petitioner had appeared and filed his written
statement. The learned counsel submits that it was only after the
petitioner appeared in the suit for specific performance filed by
the O.P. No.2 and filed his written statement and then the
present criminal case came to be instituted.

3. On query of the Court with regard to the stage of



the case, the learned counsel for the petitioner very fairly submits that charges have been framed, trial has commenced and the witnesses have been examined.

4. The learned APP Mr. Jharkhandi Upadhyay submits that if what has been submitted by the learned counsel for the petitioner is true and the same also surfaces during the course of the trial, the learned trial court will correctly appreciate the facts of the case.

5. The learned counsel for the petitioner thus seeks permission to withdraw the quashing application.

6. Permission is accorded.

7. The present quashing application is dismissed as withdrawn.

8. The Court expects that the trial shall be concluded expeditiously.

(Satyavrat Verma, J)

amit/-

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

