

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13159 of 2018

Arising Out of PS. Case No.-29719 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sanjit Kumar and Anr S/o Devendra Prasad,
 2. Devendra Prasad S/o Late Mahabir Ram, Both R/o Mohalla- Mithapur B-Area, Near Lalita Apartment , P.S.- Jakkanpur, Ditricth- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Smt. Lalti Devi @ Smt. Lalita Devi W/o Sri Ram Brata Sao, R/o Village- Paliganj, Ditricth- Patna, At Present at Village- Nathupur, P.S- Phulwarisharif, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None.
For the Opposite Party/s	:	Mr.Sri Ajay Kumar-1, APP
For the O.P. No. 2	:	Mr. Dinu Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-01-2023 Heard learned counsels for the State and the O.P. No. 2.

This case was taken up at 10.30 A.M., when no one appeared. Once again, at 12.00 P.M. on call, no one appeared for the petitioners.

Mr. Dinu Kumar, learned counsel for the OP No. 2 remained present on both the occasions.

The petitioner moved before this Court under Section 482 of the Code of Criminal Procedure for quashing of the order dated 15.7.2017 passed by Judicial magistrate 1st Class, Patna, in complaint Case No. 29719(C) of 2014 by which cognizance has been taken under Section 420 of the Indian Penal Code.



As per the complaint case, the lady has complained that in the year 2009, the accused person wanted to sell a piece of their land. The lady and her family members showed their inclination and made payment as the accused persons showed the certified copy of the document by which the land was purchased by them and further told them that the original deed has been lost. Later, sale deed was executed and she also constructed a house.

However, later, it came to notice that after submitting the original documents of the said land as mortgage to the HUDCO NIWAS, Maurya Lok, Patna in the year 2006, the accuseds had taken loan which was never paid.

Accordingly, when the Bank started giving notice to her, she realised that the accused persons have cheated her. Accordingly, the FIR was lodged.

Learned counsel for the opposite party No. 2 submits that due to criminal act of the petitioners in luring and taking money for a piece of land that was mortgaged by them to the Bank on which despite having constructed a house, she is now being threatened of eviction, this is certainly not a fit case to quash the order taking cognizance.

Having gone through the averment made in the



petition as also the submissions put forward by Mr. Dinu Kumar, this Court is in agreement with him that prima facie, there is allegation of having cheated the lady of the amount for a land which the accuseds had already mortgaged to the Bank.

This petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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