

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58181 of 2017

Arising Out of PS. Case No.-17 Year-2012 Thana- NIRMALI District- Supaul

1. Ram Narayan Yadav and Ors Son of Late Nunu Lal Yadav,
2. Rajendra Yadav, Son of Late Nunu Lal Yadav.
3. Mahendra Yadav, Son of Late Nunu Lal Yadav.
4. Dinesh Yadav, son of Rajendra Yadav.
5. Ramesh Kumar Yadav @ Ramesh Yadav @ Ramesh Kr. Yadav, Son of Mahendra Yadav, All are resident of Village- Khorama, P.S.- Marauna, District- Supaul.
6. Kapileshwar Yadav, Son of Late Manik Lal Yadav, resident of Village- Basuari, P.S.- Ghoghardiha, District- Madhubani, present address resident Nirmali Ward No. 12, P.S. Nirmali, District- Supaul.
7. Smt. Domni Devi, Wife of Ram Kumar Yadav, resident of Village- Marauna Tola, Khushiyali, P.S.- Marauna, District- Supaul.
8. Ram Narayan @ Ram Narayan Sahu, Son of Late Ganga Sah, Resident of Village- Goth, P.S.- Marauna, District- Supaul.
9. Jai Krishna Yadav, son of Late Ras Vihari Yadav, resident of Village- Khushiya, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jainarayan Yadav Son of Baijnath Yadav Resident of village - Khorma, P.S.- Marauna, District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav
For the Opposite Party/s : Mr.Sri Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 17-02-2023 Heard the parties.

At the very outset, learned counsel for the petitioner has submitted that there has been no further progress after the cognizance.

He has further submitted that he has challenged the the F.I.R. of Nirmali P.S. Case No. 17 of 2012..

The following order was passed on 08.12.2022 :-

“Heard learned counsel for the



petitioners, learned counsel for the informant and learned A.P.P. for the State. The present quashing application has been filed seeking quashing of the order dated 04.09.2015 passed by the Patna High Court CR. MISC. No.58181 of 2017(3) dt.08-12-2022 2/3 learned Sub-Divisional Judicial Magistrate, Birpur, in connection with Nirmali P.S. Case No. 17 of 2012 by which cognizance has been taken under Sections 467, 468, 471, 420, 504 and 120(B) of the Indian Penal Code. Learned counsel for the petitioners submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that the dispute is purely civil in nature to which a criminal colour has been given, it is next submitted that though the informant alleges that the land in question, which was sold by the petitioner nos. 6 and 7 in favour of petitioner nos. 1 to 5, is the land of the informant, but then from perusal of the sale deed executed by the petitioner nos. 6 and 7 in favour of petitioner nos. 1 to 5, it would manifest that the land belongs to the petitioner nos. 6 and 7, it is next submitted that the submissions of the learned counsel for the informant that the sale deed executed by the petitioner nos. 6 and 7 though records Jamabandi and khata number of their land but then the sale deed also records the plot number of the informant, as such a fraud was committed by the petitioner nos. 6 and 7 by executing the sale deed in which the plot of the informant was recorded, when Jamabandi and Khata number of land in question is of petitioner nos. 5 and 6. Patna High Court CR. MISC. No.58181 of 2017(3) dt.08-12-2022 3/3 The learned counsel for the petitioners further submits that though a



counter-affidavit has been filed but then the informant has not brought on record the sale deed no. 4097 dated 30.04.1973 based on which the present FIR has been instituted alleging that the plot of the petitioner's land was mentioned in the sale deed executed by petitioner no. 6 and 7 in favour of petitioner nos. 1 to 5. The learned counsel for the petitioners next submits that the said Sale Deed No. 4097 deliberately has not been brought on record because the same is not in name of the informant, it is further submitted that the petitioner nos. 6 and 7 will withdraw their claim if the informant is able to demonstrate before this Court based on Sale Deed No. 4097 that the plot as mentioned in the said sale deed is identical to the plot no. mentioned in the present sale deed executed by petitioner nos. 6 and 7, it is also submitted that since the said sale deed is not in name of the father of the informant as such his entire contention is baseless.

The sale deed has been filed by the opposite party no.2 on affidavit.

The contention of the petitioner as recorded in the earlier order has been found to be correct. Moreover, Title Suit No.277 of 2016 is pending in the Sub Judge-1, Supaul.

This application is allowed.

(Sandeep Kumar, J)

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