

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.858 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. ANUP KUMAR SINGHANIA Son of Binay Kumar Singhania Resident of Singhania Building, Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar
 2. Rajesh Kumar Singhania Son of Binay Kumar Singhania Resident of Singhania Building, Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar
 3. Sanjay Kumar Agrawal Son of Radhe Shyam Agrawal Resident of Chunihari Tola, P.S.- Kotwali, District - Bhagalpur.
 4. Shyam Sundar Panihar Son of Late Shiv Lal Panihar Resident of Kajvalichak, Tatarpur Road, P.S.- Tatarpur, District - Bhagalpur.
 5. Rajesh Sahai Son of Late Shyam Shankar Sahai Resident of Shiv Bhawan Police Line Road, P.S.- Ishakchak, District – Bhagalpur ... Petitioners
- Versus
1. The State of Bihar through the Director General of Police, Government of Bihar, Patna
 2. The Superintendent of Police, Bhagalpur, Bihar
 3. The Officer In-charge, Jagdishpur Police Station, District Bhagalpur, Bihar
 4. The Investigation Officer, Jagdishpur Police Station, District Bhagalpur. Bihar
 5. Subhash Kumar Singhania Son of Late Mahabir Pd. Singhania R/O Singhania Building, Dr. R.P. Road, Khalibagh Chowk, P.S.- Kotwali, Dist.- Bhagalpur ... Respondents
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with

Criminal Writ Jurisdiction Case No. 792 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. BINAY KUMAR SINGHANIA Son of Late Mahabir Prasad Singhania Resident of Singhania Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar
 2. Sumitra Devi Bajaj @ Sumitra Devi Singhania Wife of Sri Ram Karan Bajaj Daughter of Late Mahabir Prasad Singhania, Resident of Singhania Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar at present residing at Cart Sarai Road (Bakari Bazar), Upper Bazar, P.S.- Kotwali, Ranchi (Jharkhand) ... Petitioners
- Versus
1. The State of Bihar through the Director General of Police, Government of Bihar, Patna
 2. The Superintendent of Police, Bhagalpur, Bihar
 3. The Officer In-charge, Jagdishpur Police Station, District – Bhagalpur, Bihar



4. The Investigation Officer, Jagdishpur Police Station, District Bhagalpur, Bihar
5. Subhash Kumar Singhania S/o Mahabir Prasad Singhania R/o Singhania Building, Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District- Bhagalpur, Bihar ... Respondents

Appearance :

(In Criminal Writ Jurisdiction Case No. 858 of 2022)

For the Petitioners : Mr. S.D. Sanjay, Sr. Adv. with
M/s Priya Gupta, Mohit Agrawal & Lokesh
Kumar Advs.

For the Respondents : Mr. Ram Vinay Prasad Singh, AC to GA XII

(In Criminal Writ Jurisdiction Case No. 792 of 2022)

For the Petitioners : Mr. S.D. Sanjay, Sr. Adv. with
M/s Priya Gupta, Mohit Agrawal & Lokesh
Kumar Advs.

For the Respondents : Mr. Md. Nadim Seraj, GP V

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 10-04-2023 Counsel for the petitioners submits that petitioner no. 2 of Cr.W.J.C. No. 792 of 2022, namely, Sumitra Devi Bajaj @ Sumitra Devi Singhania, has already died, therefore, he is not pursuing this case for petitioner no. 2.

Both the writ petitions have been filed for quashing of Jagdishpur P.S. Case No. 100 of 2021 registered under Sections 420, 467, 468 and 120(B)/34 of the Indian Penal Code.

Counsel for the petitioners submits that the first information report has been filed by the informant with the specific allegation that on the partition prepared on a non-judicial stamp paper, dated 21.12.2018, where signature of Subhash Kumar Singhania was made by the accused persons committing fraud upon him. By virtue of said alleged forged and fabricated partition, a deed of gift bearing no. 3252, dated



21.05.2020, came into picture and by doing so the accused persons have taken the properties from him and due to this reason a breach of trust and another offences have alleged to be committed.

Counsel for the petitioners submits that for the grievances, the informant himself taken a correct and appropriate legal steps by virtue of filing a Title Partition Suit No. 792 of 2013, which is pending before the Court of learned Sub Judge, Bhagalpur, against accused persons.

Counsel further submits that from the contents of the first information report it is crystal clear that the parties are agnates and there are land dispute going-on between them. The question of partition and the questions of execution of gift deed are also raised in the Title Partition Suit. In this view of the matter alone the present facts which has been mentioned in the fardebeyan are the part of pleadings of this plaint for which petitioners are being sued before a Court of competent jurisdiction. He submits that in addition to that with a view to create pressure present criminal cases have been filed.

Counsel for the State submits that it transpires that it is a civil dispute.

Counsel for the informant submits that he is opposing



the case and the first information report may not be quashed but simultaneously he also submits that the file has been taken from him by the informant.

It transpires to this Court that during pendency of the suit continuation of criminal proceeding bearing Jagdishpur P.S. Case No. 100 of 2021 is abuse of the process of the Court for the same subject matter which is a civil dispute and parties are entitled for adjudication for the same. Hence, the above mentioned first information report bearing Jagdishpur P.S. Case No. 100 of 2021, pending in the Court of the Chief Judicial Magistrate, Bhagalpur, is hereby quashed. Both the petitions, namely, Cr.W.J.C. No. 858 of 2022 and Cr.W.J.C. No. 792 of 2002 are **allowed**.

(Dr. Anshuman, J)

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