

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17467 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

Chandan Kumar Singh Son of Late Kamleshwari Prasad Singh, R/o Mohalla- Shivpuri, behind Bal Bahrti School, P.S.- Maranga, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Magistrate, Sadar, Purnea
3. The Station House Officer, Maranga Police Station, District- Purnea
4. Arvind Sur
5. Arunasur Sur Both are sons of Late Bishnu Prasanna Sur, Resident of Mohalla- Bhatta Durgawari, P.S.- Kazanchi Hat, District- Purnea
6. Nilam Kumar Mishra, Son of Late Dinesh Chandra Mishra, Resident of Mohalla- New Shivpuri, Near Jagdhari Temple, P.S.- Maranga, District- Purnea
7. Lakhan Das, Son of Late Mantu Das, R/o Mohalla- Madhopara, P.S.- Kazanchi Hat, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
		Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-09-2023 Heard Mr. Jitendra Prasad Singh, learned counsel along with Mr. Rajeev Kumar appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has prayed for quashing of order dated 23.02.2016 passed by Sub-Divisional Magistrate, Sadar, Purnea in Misc. Case No. 120-P of 2015 by which he has



been pleased to restraint the petitioner not to interfere with the land in question. The present dispute relates land bearing Khata No. CS Khata No. 115, Plot Nos. 538, 539, 540, 541, 542, 543, 544, 536 and MS Khata Nos. 137, MS Plot Nos. 1192, 1193, 1194, 1195, 1197, 1198 Ka, Kha, Ga, Gha, 1199 and 1179 having total area of 9.76 acres situated at Mauza Madhopara, Purnea for which petitioner had entered into an agreement with Opposite Party Nos. 4 and 5 about which the petitioner has made a specific statement in Paragraph No. 5. Learned counsel further submits that the Opposite Party Nos. 7 had agreed to sell the land for an amount of Rs. 11,51,000/- for which an advance of Rs. 2,51,000/- was paid to him. Both the parties have filed their respective title suit. Petitioner has filed Title Suit No. 131 of 2009. The said suit has been disposed of on the point of compromise. Learned counsel on these background submits that the matter being purely civil in nature and the suit itself has been disposed of. Considering the fact that the parties have agreed to compromise the order dated 23.02.2016 passed by the learned Sub-Divisional Magistrate, Sadar, Purnea in Misc. Case No. 120-P of 2015 is fit to be quashed.

3. Per Contra, learned APP appearing on behalf the State has submitted that the petitioner has remedy before the



appropriate forum considering the nature of allegation and in want of any information with respect to the actual status of the Title Suit filed by both the parties, however, he submitted that taking into the nature of the allegation and having already availed the civil remedy, this application can be disposed.

4. Having considered the order passed in Cr. Misc Case No. 120-P of 2015 passed by the Sub-Divisional Magistrate, Sadar, Purnea, and the records of the case, it appears that the matters is purely civil in nature and the parties have filed their respective suits the order restraining the petitioner to interfere with the land in question loses its force.

5. The present quashing application under Section 482 Cr.P.C. is allowed.

(Purnendu Singh, J)

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