

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18410 of 2016

Arising Out of PS. Case No.-246 Year-2013 Thana- CIVIL LINE District- Gaya

Dr. Deonandan Singh @ Deonandan Singh S/o Late Girjanandan Singh,
resident of Kalyani Niwas, Salimpur Ahra, P.S.- Gandhi Maidan, District-
Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Devendra Kumar Pathak S/o Gopal Patahak R/o H.No. 439, A.P. Colony,
P.S.- Rampur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the Informant	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2023 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and Mr. Praveen Kumar, learned
Counsel for the informant as also Mr. Jitendra Kumar Singh,
learned APP for the State.

2. The present petition has been preferred for the
quashing of the order dated 02.05.2014 passed by the learned
C.J.M., Gaya in Civil Lines P.S. Case No. 246 of 2013 whereby
and whereunder the learned Court below took cognizance under
sections 420 and 120(B) of the Indian Penal Code.

3. The facts of the case, in short, is/are as follows:-

4. The informant purchased 7 decimal land in village
Dubhal on 27.09.2001 bearing Khata No. 210 Plot No. 400 from
Abhimanyu Singh and Praduman Singh through registered sale
deed with a boundary in North and South east Plot No. 394 and



Plot No. 403 in West with the length from east to west 145' and width from north to south 20'.

5. Later, the land was mutated in the name of the informant and he came in exclusive possession over the land. However, it has been alleged that accused Abhimanyu Singh, Virendra Singh, Navin Kumar, Deonandan Singh, Soni Kumari, Rana Pratap Thakur made a conspiracy and in the mid of the boundry of Khata No. 210, Plot No. 400 Abhimanyu Singh executed a sale deed an area 3' east to west 20' north to south (total area 60 square feet) on 26.3.12 in which Navin Kumar is witness.

6. Further, he had purchased land from Abhimanyu Singh and Praduman Singh on 21.05.2005 and in his boundary the name of the informant is given in south and west and similarly Soni Kumari has also purchased land from same seller and in her boundary the name of the informant is also there.

7. Further, Navin Kumar has given his address of Patna in the sale deed but in his own sale deed he has given his address of difference place and thus committed forgery.

8. It is, then said that accused persons came at the plot no. 400 Khata No. 210 on 9.6.2013 where the informant was doing work and showed the sale deed and told that he has



purchased land of area 60 in between his boundary. Thus, the case.

9. The case was investigated and charge-sheet has been filed against the petitioner and others and thereafter the cognizance was taken by the court below.

10. The case of the petitioner is that he himself is the affected person inasmuch as on 26.03.2012, he purchased a piece of land through duly registered sale deed from co-accused, Abhimanyu Singh relating to Khata No. 210, Plot No. 400 to get approach to his land which is adjacent to the said plot and got it registered in the name of his daughter-in-law, Soni Kumari.

11. It is his case that thereafter his daughter-in-law preferred Bihar Land Dispute Resolution Case No. 205 of 2011-12 before the learned D.C.L.R, Gaya (Sadar) for removal of the encroachment in which notices issued, the plots measured and on the basis of the report so submitted, an order was passed on 02.05.2012 for removal of the encroachment (Annexure 3 series to the petition).

12. Pursuant to the said order of the learned D.C.L.R., Gaya (Sadar), the Circle Officer, Gaya (Town) issued letter dated 03.05.2013 requesting the Sub-Divisional Officer, Gaya (Sadar) to provide Police Force for the removal of the



encroachment.

13. Faced with this situation, the informant lodged FIR in which beside the seller, Abhimanyu Singh and Praduman Singh, he was also dragged.

14. It is his case that he being the affected person having investment money on the plot which according to the informant was already purchased by him in 2001, continuance of the criminal proceeding against him is an abuse of the process of Court.

15. It is his further submission that the informant-opposite party no. 2 has already preferred Title Suit vide T.S. No. 73 of 2013 and T.S. No. 957 of 2013 before the learned Munsif-II, Gaya and learned Sub-Judge VII, Gaya to defeat the order of the learned D.C.L.R., Gaya (Sadar).

16. The informant on the other hand submits that the land was purchased by him way back in 2001, boundary wall constructed but only to create mischief, the seller Abhimanyu Singh and Praduman Singh once again sold a small piece of land to this petitioner who has blocked his access and also ask for exorbitant amount to part away with the land.

17. He as such, submits that the petition in question is fit to be dismissed.



18. Learned APP on the other hand, submits after going through the petition, it seems that a mischief has been done by Praduman Singh and Abhimanyu Singh in selling the land twice. So far as this petitioner is concerned, he is also a purchaser.

19. Taking into account the aforesaid facts, admittedly, the petitioner is a purchaser having purchased a small piece of land from Abhimanyu Singh and Praduman Singh, a Title Suit, as stated above, is pending against the parties and the result of same will have effect on the land for which the parties are agitating.

20. So far as the continuance of proceeding against the petitioner is concerned, the same is fit to be interfered with.

21. In that circumstance, the criminal proceeding relating to Civil Lines P.S. Case No. 246 of 2013 so far the same relates to the petitioner only stands quashed.

22. The Cr. Misc. No. 18410 of 2016 is allowed with the aforesaid observations.

(Rajiv Roy, J)

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