

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1399 of 2019

Arising Out of PS. Case No.-176 Year-2019 Thana- KOTWALI District- Patna

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1. NAVIN TYAGI S/o Maya Prakash Tyagi Resident of R-9/242, Raj Nagar, P.S. and District -Gaziabad, Uttar Pradesh
 2. Praveen Tyagi S/o Maya Prakash Tyagi Resident of R-9/242, Raj Nagar, P.S and District.- Gaziabad, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Senior Superintendent of Police, Patna Bihar
3. The Superintendent of Police, Patna Bihar
4. The Sub Divisional Police Officer, Patna Sadar, Patna Patna
5. The Station House officer, Kotwali Bihar
6. The investigation Officer of Kotwali P.S. Case No. 176/2019 Bihar
7. Dr. Teer Vijay Singh son of Late Jagdish Singh R/o Flat No. 104, Shambhavi Apartment, Raja Bazar, P.S. Shastrinagar, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing of F.I.R.
vide Kotwali P.S. Case No. 176 of 2019/ G.R. No. 1665 of 2019
passed by learned Chief Judicial Magistrate, Patna registered for
the offences under Sections 406, 409, 120B of the Indian Penal
Code and Section 61 of the Real Estate Regulation and
Development Act, 2016.



The prosecution story in short is that on 7th August, 2014, informant booked a flat bearing Flat No. 901 with Solitaire Infrastructure House Pvt. Ltd. He issued a cheque of Rs. 1,81,978/- in the name of VVIP houses and the authority of VVIP houses made an agreement and fixed a date of delivery in the month of December 2015. After one month, the VVIP houses informed that wrongly flat was booked and they are unable to provide on this cost. As a result, this aforesaid F.I.R has been lodged against the petitioners (builders).

Mr. Mauar, learned counsel for the petitioners and Mr. Shansak Shekhar, learned counsel for the opposite party have jointly submitted that the matter has been settled between the parties and the amount in dispute has been returned to the respondent no. 7 by the petitioners and now there is no dispute left between the parties and they jointly prayed that in the interest of justice, the F.I.R. vide Kotwali P. S. Case No. 176 of 2019 be quashed.

Considering the law laid down by the Hon'ble Supreme Court in the case of *Jaswant Singh Vs. State of Punjab* reported in *2021 SCC Online SC 1007*, this application is allowed and the F.I.R vide Kotwali P.S. Case No. 176 of 2019/ G.R. No. 1665 of 2019 registered for the offences under



Sections 406, 409, 120B of the Indian Penal Code and Section 61 of the Real Estate Regulation and Development Act, 2016 is hereby quashed.

(Sandeep Kumar, J)

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