

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12087 of 2017

Arising Out of PS. Case No.-4164 Year-2016 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Smt. Punam Singh Wife of Sri Rajeev Ranjan Singh
2. Rajeev Ranjan Singh @ Rajiv Ranjan Son of Babu Lal Singh Both Resident
of Mohalla-Kalyanpur Madhubani Tola Jagiraha, P.S.-Sidhwaliya, District-
Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Smt. Kanti Devi, wife of Pramod Singh, resident of Mohalla- Kalyanpur
Madhubani Tola Jagiraha, P.S.- Sidhwaliya, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubh Narain Singh, Advocate
For the Opposite Party/s : Mr. Udbhav, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-09-2023 Heard the parties.

2. This application has been filed for quashing the order dated 09.11.2016 passed by court of learned A.C.J.M., Gopalganj in Complaint Case No. 4164/2016/Tr. No. 1961 of 2017 by which cognizance has been taken against the petitioners under Section 417 of the Indian Penal Code.

3. As per prosecution case, one Uttam Singh



purchased a plot bearing Khata no. 405, plot no. 2450, area 22275 sq. feet situated at Gopalganj gifted the said land to opposite party no. 2 and since then she was in possession of the said land and mutation was also made in her name. Further it is stated that the petitioners had to established a Petrol Pump and for that they needed land and therefore, they asked the opposite party no. 2 to give the said land to the petitioners on lease on rent of Rs. 1,500/- per month. It is further stated that accordingly on 29.01.2008 a registered lease was made by the opposite party no. 2 in favour of the petitioners on Rs. 1,500/- per month rent for 30 years. After sometime petitioners became defaulter and therefore opposite party no. 2 filed title suit for cancellation of said deed of lease and further notice was issued to the petitioner. It is further stated that petitioners are making *pairvi* for mutation of the land in their own names illegally by cheating the opposite party no. 2 and therefore Complaint Case No. 4167 of 2016 was filed by the opposite party no. 2 against the petitioners.

4. No ground for interference at cognizance stage is made out. This Court will not decide the defence of the petitioners.

5. Accordingly, this application is dismissed.



6. The Sub-Judge concerned, Gopalganj who is hearing the Title Suit No. 124 of 2016 is directed to conclude the title suit after hearing it on day to day basis from the six months of the date of receipt of copy of this order and will file a compliance report to this Court.

7. Let a copy of this order be communicated to the District Judge, Gopalganj for its compliance forthwith.

(Sandeep Kumar, J)

Ranjeet/-

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